

The prologe of the aucthou
to the reader.



Demosthenes the
renowned Oratour descy
nerh lawe in this wyse.

The lawe (sayeth he) is a
thyng that al men ought
to obey for many skyles
but in speryally because
lawe is the inuention, and

also the gyft of God the decrees of prudent men,
the chastisement of wyllfull, and unwyllfull;
offences, and fynally the common suretye of
a Realme, wherby it becometh al men to lyue,
whiche be cōuersant in the same. Chrysippus
also, an excellent phylosopher, thus begynt
his booke of lawes.

The lawe is kynge of all, as well diuine as
humayne affayres, the president and cōtroller
of thynges honest, and dyshonest, the Prynce,
Captayne, and ruler, of the iuste, and iniuste;
it is of Ciuile creatours, as well the commānder,
what they ought to do, as the forbrydder,
what they ought not to do. These aunctyke
saynges of wyse men, assuredly ought muche
to inflame vs to the knowlege of those thynges
without whych we shalbe esteemed no men, but
as brute and sauage beastes. Let vs nat com
mytte, that it be sayd of vs Englyshemen, as
it was onces sayde of the men of Athens, that
is, that we make verye goodly and profytable
lawes, but we vse the nat. Certaynly there can
be no greater reproche to a common weale the

The p̄face.

this. One lesson I wolde we learned of the aſſcient lawyer Romaine named Celsus, & that is thys. The knowlege of lawes is not to bere awaye the wordes but the p̄yth and power of them. Thys he wrote bycause there be many whrch whē good and holſome lawes be made ſeke nat to ſe them executed, and obſerued, but rather howe to defraude thē and to haue them v̄nexecuted, which kynde of people after ſentence of moſte auncient lawmakers be no leſſe worthy of reſpehension then they which do exp̄ſſely agaynſt the lawe. Nowe, they do (ſaye they) agaynſt the lawe whiche do the thyng, & the lawe ſorbyddeth. And they defraude a lawe or ſtatute, which the wordes of the lawe ſaue, do circumuent the meanynge and ſentence of it. Let vs then ſo read the lawes, that we may beare awaye the ſentence and mynde of them, and ſo ſulſyl and obſerue the lawes, that it may appere that they were nat made in vayne.

Thus

Doynge we ſhall pleaſe God, we ſhall be obedient ſubiectes to our p̄ince and ſynally we ſhall ſeke our owne weale and ſauetye.

What is lawe.



The lawe is the dyrecti-
on and ministracion of Iustyce
And iustice is (as thempour
Justinian saythe in hys Insty-
tucyons) a constant and perma-
nente wyll to render vnto euerye person hys
eght and dute.

The learnynge or prudence of lawe, is a
knowlege of diuine & humane thinges a sciēce
and perfite notyce of equyte and iniquyte, of
eght and wronge.

Nowe for asmuche as a greate porcyon of
the prudence of sence of the lawes of this re-
alme of Englade cōsisteth in the perfyte know-
lege of estates, whych men haue in landes and
tenemētes: we shall fyist as compēdiously, and
as symple and playnly as we can, treat some
what of estates.

A diuision of estates.



Ye shall therfore vnder-
stande, that whosoever hathe
anye state in landes or tenemen-
tes, eyther he hathe in the same
onely a chatell, or a holde, or
inherytaunce. Yf he hathe an estate bur for
terme of certaine yerres, or at his lanlozdes wil
so it is called a chatell, yf for terme of hys owne
or of another mans lyfe, it is called a titholde
And if he hath it to hym and to his heires in fe
symple or in taylor: the he hath a state of inhery-
taunce.

Chatell.

Fesholde.

Inhery-
taunce.

Tenante for terme of yerres.

¶.iii.

Tenant

Tenaunt for yeres.

Tenaunt for terme of yeres, is he to whom landes or tenementes be lette for terme of certayne yeres, as is agreed betwene the landlorde and the tenaunt. And when the person to whom such lease is made doth entre by force of the sayde lease and is in possession of the same: then he is called tenaunt for terme of yeres.

Rent reserved.

And here ye shall note, that yf the lessour, þ made the lease hath reserved vnto him a yerely rent vpon the sayde lease (as it is accustomed to be done) yf the rent be behynde vnpayde, it shall be in his election eyther to entre & distrayne for the rent, or to bring an action of Dette against him at the lawe for þ arrerages of þ same. But in this case it is requisite, that the lessour were seised of the landes or tenementes at the tyme of the makinge of the lease for otherwyle it shall be a good plee in þ action of Dette for the tenaunt to say, that þ lessour had nothyng in the lande and tenement at þ tyme of the lease made: excepte the lease were made by dede endented, for then the plee shall nat ly in the tenauntes mouth to plede.

Action of Dette.

A good plee.

And it is to be knowen, that in a lease for terme of yeres, whether it be by dede or without dede, there nedeth no livery of season to be made to þ lease, but he may entre when he wyl by vertue of his lease, without any further ceremony of the lawe.

Livery of season nedeth nat in lease for terme of yeres.

Also yf a man leaseth landes for terme of yeres, though the lessour chaunceth to dye before the lease doth entre, yet he may entre wel ynough otherwyle it is where livery of seald is to be made, as in free holdes and inheritaunces.

Also

Tenaunt at wyl.

fo. iiii.

Also yf the tenaunt for yere doth wast, the
ladloze may bypunge an accyon of wast against **Waste.**
him, and shal recover the place wasted, and his
treble damages.

Also yf a lease for yeres be made of .ii. seuer-
rall thynges, and after the one is recovered the
lesse shal holde the other, and the rent oꝝ ferme
shalbe appoycyoned. **D. 12. D. 8.**

Also yf the tenaunt for yeres graūterh a grea-
ter estate in the lande, than he hath him selfe,
wherby he comepeth the fee symple to him selfe
he shal forsayte his lease oꝝ ferme.

**for say-
ture.**

Tenaunt at wyl.

Tenaunt at wyl is he to whome landes
oꝝ tenementes be lested to have & holde
the same at the wyl of the lessour. And
in this case the lessour may put out his tenaunt
at what tyme hym lysteth. But yet neuerthe-
lesse, yf the tenaunt haue sowed the groundes
with coine, in this case yf the lessour wyl entre
and put out his tenaunt befoze Harueste, the
lawe wyl gyue him free comynge and goynge
to reape and cary his coine awaye without a-
ny punysshemēt oꝝ damages to be sustayned
for his so doyng bycause he knew nat at what
tyme the lessour wolde entre. But otherwylse
it is of the tenaunt for certayne yeres, for yf he
soweth the grounde, and the terme of the lease
be come out & expyred befoze y coine be rype,
in this case y lessour oꝝ he in the reuercion may
entre & take the coine, bycause it was the foly
of the tenaunt to sowe the grounde, knowynge
the ende of his terme.

In lyke wylse tenaunt at wyl shal haue free

3. iiii.

com:

Tenaunt at wyll.

cōmyng and gorynge after the tyme of the lessours entree, to cary away his houſholde ſtuffe and goodes for a reſonable ſpace.

Dyſtres
or els ac-
cyon of
Dette.

The ſhall alſo vnderſtāde, that he þ maketh a leaſe at wyll, may reſerue an annuall or peresly rent, in whiche caſe yf the rent be behynde, he may entre very wel and dyſtraine þ goodes and catelles of the tenant, or at his election he may bynge an accyon of Dette agaynſte him.

Waſte.

Alſo it is to be knowen, that tenaunt at wyll of a meſe or tenaunt is nat bounde by the ordre of the lawe to ſuſtayne and repayre the houſes that be decayed and ruynouſe, as is the tenaunt for peres, and therfore none accyon of Waſte lyeth agaynſt him. Yet yf he do wyllful waſte: as yf he plucketh downe the houſes, or cutterh downe the trees: it hath ben thought by the ſages of the lawe, that the leſſour may bynge an accyon of Treſpas agaynſt him and ſhal recoouer his loſſes therby ſuſtayned.

Treſpas.

And yf ſuch a tenaunt dye and his heyre entre, in that caſe the leſſour may haue an accyon of Treſpas agaynſt the heyre.

Tenaunt by coppe of court rolle.

There is another kynde of tenaunt at wyll whiche is called tenaunt by coppe of the court rolles. And this is when a man is ſeaſed of a maner within whiche, it hath bene vſed tyme out of mynde, that the tenauntes wythin the boundes & pperincte of the ſayd maner, haue holden lādes and tenementes to them and to theiꝝ heyres in fee ſymple, fee taylor, or for terme of lyfe, at the wyll of the lord accorpyng to the cuſtome of the maner. And ſuch a tenaunt,

Tenaunt by copy.

fo . b.

tenaunt, can nat alpyene oꝝ sell his lande by hys dede, foꝝ yf he do, the lande oꝝ tenement that is so alpyened and solde, is foꝝfayte into the lordes handes, but yf he wyl alpyene hys copy helde lande to another, he must accoꝝdyng to the custome, come into the lordes court, and there surrendre it in to the lordes hande, to the behoufe and vse of him that shall haue the state. The forme of whiche surrender is comenly vled to be this.

Ad hanc curiam venit J. de B. et sursum reddidit in eadem curia unū mesuagium. .xc. in manus dñi ad vsum L. de. D. et heredū suorum vel heredum de corpore. .xc. Et super hoc venit predictus L. de. D. et cepit de dño in eadem curia mesuagium predictum, habendum et tenendum sibi. .xc. ad voluntatem dñi secundum consuetudinē manerii, faciendū inde redditus, servitia, et cōsuetudines inde prius debitas et cōsuetas. .xc. Et dat domino pro fine. .xc. Et fecit domino fidelitatem. The foꝝ me of surrender.

These as I sayde be called tenauntes by copie of court rolle, because they haue none other eydence to shewe cōcernynge theyꝝ lādes, saue only þ coples of þ rolles of theyꝝ lordes court. Neyther can these tenauntes sue oꝝ be sued foꝝ suche landes, in the kynges court, be wyte, oꝝ otherwyse, but yf they wyl in any wyse implede oꝝ sue others foꝝ suche cople landes, they must do it by way of playnt in the lordes court after this soyte.

A. de B. queritur versus L. de D. de placito terre, videlicet de vno mesuagio .xl. acris terre. .iiii. acris prati, .xc. cum pertinētiis. Et facit me of the protestationem sequi querelam istā in natura playnt.

J. b.

hꝝcuſ

Of courte rolle .

hensis dñi regis assise mori antecessoris ad co
munē legē vel ꝛ. plegii de psequēdo . f . G . ꝛ .
¶ Howe althoughe some such tenantes have
an inheritaunce accordyng to the custome of þ
maner, yet in very dede they are but tenauntes
at the wyl of the lord. For as some mē thynke
yf the lord wyl expell them and put the forth,
they haue no remedye at all, but to sue vnto
theyr lord by way of petition, desyringe hym
to be good and gracious lord vnto them. For
yf they myght haue any remedye by the lawe
then shulde they nat be called (saye they) tenan-
tes at the wyl of the lord after the custome of
the maner. But other men of no lesse learnynge
and prudence haue bene of contrarpe sentence:
as lord Bryan chiefe iustice, in þ tyme of kīge
Edward the . iiii . whose opinion was alwaies
that yf suche tenaunt by the custome (payenge
hys seruises) be elected and put forth by hys
lord wythout cause reasonable, he may very
wel bynge & maynteine an accion of Trespas
agaynst his lord at the cōmon lawe: as appea-
reth termino Hilarii anno . xxi . E . iiii . Also lord
Danby chiefe Iustice in lykwylle, was of the
same iugement: as appeareth termino . M . an .
vi . E . iiii . where he sayeth, that the tenaunt by
the custome is as well inheritable to haue hys
lande after the custome, as is he that hath a
free holde at the common lawe, but the deter-
mination of this question I remit to my great
maysters, which can solue the knottes and eni-
gmes of the lawe .

Action of
Trespas

¶ For asmuch as yet styl of this matter, Law
dict certant & adhuc sub iudice liset.

¶ Also ye shall vnderstande, that the vsage of
some

Tenaunt by coppe.

fo. vi.

Some manours is, when the tenaunt wyl surrender his lande to the vse of another that he shal take a wandre or rod in his hande, and deliuer it to the stewart of the court, and the stewart shall deliuer the same wandre in name of seisin to him that shal take the lande: and suche a tenaunt is called, tenaunt by the verge. Wyuers other customes ther be of surrendryng of coppe holde landes, whiche here for tedynousnesse I wyl omitte And forasmuche as tenauntes by custome of the Manour, haue by the course of the comon lawe no free holde: thefore they be called tenauntes of base tenure.

Base
tenure.

Also yf suche a tenaunt letteth to ferme his coppe holde lade, for lenger tyme then a twelwe moneth and a daye without the lordes lycence it is a forsayture of his lande to the lord.

And knowe ye that yf this tenaunt sell any tymbre, that groweth vpon the lande but one ly for the reperacyon of the same, this is waste and a forsaytoure of his coppe holde.

Whitherto haue I treated of the fyrst membre of our deuision, that is to wylt, of chatelles for as I sayd, al leases for terme of yeres, and at wyl be accopted in the lawe but as chatelles and be copysed vnder that name saue that they be called cattelles reals, where as

kyne, oxen, hoxses, money, plate,
corne, and suche lyke be cal
led chatel personalles

Chatelle
real and
personel,

Nowe we

wyl procede to the explanicion of the
seconde membre that is to
saye, of free
holdes.

Free

A diuision of free holdes.

Free holdes oꝝ franke tenementes a man may haue in sondry wyseles, foꝝ eyther he is seased foꝝ terme of hys owne lyfe oꝝ foꝝ terme of another mans life. Yf he be seased foꝝ terme of his owne lyfe, eyther he hath goten such estate by way of purchase, oꝝ els the lawe hath intytelede him therunto. I call it by purchase, whether he cometh vnto it by hys owne bargaynyng & procuremēt, oꝝ by þe gyfte of his frende, and I call it by the operacyon and intytelyng of the lawe, when a man marrieth a woman that is an inherytres, and hath pyssue by her, and she dyeth, now he shall haue the landes durynge hys lyfe, by the course of the lawe, and shall be called tenaunt by the curtesye of Englande.

Tenaunt
by the cur-
tesye.

In lykewyse, yf a man be seased in fee symple: oꝝ fee tayle of landes, and taketh a wyfe, and he dyeth, the lawe gyueth vnto the wyfe the thyrde parte of her husbandes landes, foꝝ terme of her lyfe, and she shall be called tenaunt in dower.

Tenaunt
in dower.

Tenaunt foꝝ terme of lyfe.

Tenaunt foꝝ terme of lyfe, is he that holdeth lādes oꝝ tenementes foꝝ terme of hys owne lyfe, oꝝ foꝝ terme of anothers lyfe. Howe be it the moost frequent, and comon manner of speakyng, is to call hym that hath estate foꝝ terme of hys owne lyfe, tenaunt foꝝ lyfe, & him þe hath estate foꝝ terme of anothers lyfe, tenaunt poure terme dauter. Ie, that is to saye tenaunt foꝝ terme of anothers lyfe.

Ye shall note, that lyke as he that maketh the lease is called the lessour, and he to whom
the

Tenaunt for terme of lyfe.

Fol. vii.

the lease is made. is called the lessee, so he that maketh a feffement is called the feoffoure, & he to whome the feffement is made, the lessee.

Also yf tenaunt for terme of lyfe, or tenaunt for terme of another mans lyfe do waste, the lessour or he in þe reuerſion ſhal maintayn very well an accyon of Waſt agynſt hym, and ſhall by the ſame recouer treble damages.

Waſt.

Finally, ye ſhal vnderſtande that by an acte of Parlyament made in the. xxvii. yere of oure ſoueraigne lord that now is, kynge Henry þe vyght, it is enacted that no free holde, nor eſtate of in heritaunce ſhal paſſe nor take effect by reaſon of any bargayne and ſale, except that ſame be made by wytyngge indented, ſealed, and enroled, in one of the Kynges maieſties courtes at Weſtm, or els within the ſame countie where the lande doth lye, befoze the cuſtos Rotuloꝝ, and. ii. Juſtyces of peace and the clerke of the peace of the ſame countie, or two of them at leaſt, of which the ſayde clerke ſhal be one, and that ſuch inrollement be made within ſyre monethes after the date of ſuche wytyngge. And for the inrollement of euery ſuche wytyngge, where the lande compyſed therein is not aboue the perely value of fortye ſhillinges, they ſhall take two ſhillinges that is, twelue pence to the Juſtices, and xii. pence to the clerke. And yf the lande be aboue the perely value of. xl. s. the they ſhall take. v. s. that is. ii. s. and. vi. d. to the Juſtyces, and. ii. s. and. vi. d. to the clerke, which ſhal inrolle and ingroſſe ſuffyciently in parchement ſuche dedes and wytyngges, and at euery peres ende he ſhal deliuer the ſame to the Cuſtos Rotuloꝝ of the ſame countie, to remayne

An. 27.

W. 8.

in

Tenaunt by the curtesye.

in his custody amonge other recozdes of þe same countre, so that the partyes resoꝛtynge thither may se them. Doubted, that this extende nat to any tenemētes oꝛ hereditamētes lpenge w in any cytie oꝛ towne corporats wher þe Maiores, Recoꝛders, oꝛ other offycers haue aucthoꝛyte, oꝛ haue lawfully vsed to enrolle any euidences oꝛ wyttynge within theyꝝ pꝛeꝓncte.

Tenaunt by the curtesye.

Tenaunt by the curtesye of Englande is he that hath maryed a wyfe inheryted, & hath had yssue by her, & she is deade, in this case the lawe of Englaunde pꝛmitteþ and suffereth the husbāde of such wyfe to receyue and kepe still all his wyues lande that she had epyther in fee symple, oꝛ fee tayle so longe as he lyueth. And this is by the curtesye, and vrbānstie of Englande, for this thinge is vsed in none oꝛ ther countrey noꝛ region,

But in this case it is requyred þe the chylde be vptall, that is to saye, be boꝛne and brought forth into this woꝛlde alyue, & therfoze the coꝛmon sayeng is, & hath ben, that onles þe chylde be harde crye, the father shal nat be tenaunt by the curtesye, for the onely pꝛoue and argument of lyfe in an infant boꝛne is þe vagite & cryeng.

The shal furthermoze vnderstande, þe onlesse the husbāde be in actuall and reall possession of his wyues landes, and seased of them in her ryght, he shal nat be tenaunt by the curtesye after her deathe, And therfoze yf landes disceꝛde to a mans wyfe, so that she is tenaunt in the lawe, and to euery mans accion, yet yf the husbāde haue nat made an actual entre durynge

court,

Tenaunt by the curtesye. Fol. viii

conecture and matrimony betwene the, he shall not be tenaunt by curtesye, for it shall be reputed and iudged his folp and necligence that he wolde not enire in her lyfe tyme.

Wherwyle it is of aduouſōs, rētes, comōs and ſuch other thynges, which forthwith whē they diſcende, be in a man or woman wythout any entre or further ceremony of law.

Note that yf tenaunte by the curtesye of **Waste.** Englande wyll ſuffre or make any waſt in the landes or tenementes that he ſo holdeth, he is punyſſhable therfore, by acciō of waſt brought by him in the reuerſyon.

Alſo it is to be knowē, that of thinges that ben in ſuſpence, a man ſhall nat be tenaūt by ſ curtelie, and therfore yf a man be tenaūt in fee ſymple of certayne lande, and doth entermary with a woman that is the ſeignoreſſe or ladye of the ſame and hath yſſue by her, & ſhe dyeth, yet ſhal he not be tenaunt by the curtesye of the lordſhypp or ſeygnoy, bycauſe him ſelfe is tenaunt of the lande, and therfore the lordſhypp is ſuſpended for the tyme, for a man can not be both lord and tenaunt of one thing, but yf he had not ben tenaūt of the lande he ſhulde haue had the lordſhip after the death of his wyfe by the curtesye of Englande very well.

Alſo note that of a ryght onely a man ſhall **Note.** not be tenant by the curtesye, as yf a woman ſole ſeaſed in fee of lande or tenementes, by dyſſeyſed, and after take a huſbāde, and they haue yſſue, and ſhe dye before any reentre made, ſ huſbande ſhall not be tenaunt by the curtesye.

Note further ſ of a reuerſyon, a man ſhall **Note.** not be tenaunt by the curtesye, as yf a woman ſole

Tenant in dower.

Sole seised of lāde in fee, make a lease to **h.** for terme of life, after taketh a husbāde and they haue issue & the dce, lpyunge the lease for terme of lyfe, the husbāde shall not be tenant by the courtesye.

Of tenant in dower.

Tenant in dower, is she that hath bene maryed to an husbāde & was durynge the matrimonye, betwene them, seased of landes or tenementes in fee symple, or fee tayle whych is now deade & she seased of the thyrde parte of her husbādes sayd landes for terme of her lyfe. For by the comen lawe of the lande if the husbāde be at any tyme durynge & couerture seased lawfully wherher it be by purchase or by dyscent, cyther in fee, or in tayle, and dce, his wyfe ought to be endowed by the course of the comen lawe of the thyrde fore. And in some places by an aūcient custōe she shall be endowed of the moite, yea & though the husbāde were neuer seased actualy durynge the couerture, yet if the landes be cast vpon hym by the lawe, so that the lawe calleth hym tenant to every māss action, it suffyseth the woman to demaūde her dower, for it were vnrasonable, that & neglygence and slacknes of entrynge of the husbāde shulde hurte the wyfes tytle.

Dower
at the com
mon lawe.

Dower
by custōe.

Tenant
by the cur:
tesye.

Otherwise it is, as is said before, of tenant by the courtesye, for if lādes descended to a woman couert and the husbāde for doothfulness or neglygence doth not entre in hys wyfes tytle he shall nat be tenant by the courtesye, for by all lawes the wyfe oweth obedience & subiection

in dower.

Fol. ix.

to her husbände and therfore she can nat cōpel him to entre, but when landes descended to þe wyfe, the husbände onely hath power to entre at his pleasure.

¶ And ye shall vnderstande, that oneles the wyfe be passed the age of, ix. yeres at the tyme of her husbādes death, she shall not be entowed by the common lawe.

¶ But it is to be knowen that a woman may by dyuerse wayes estoppe and p̄tude her selfe of her dower: as yf she cōmyt any cryme, for which she is attayned yf treason, murdre, or felony, she gette in this case no dower, nor whādyng she hath obtayned her pardone.

A woman
shall haue
no dower

¶ Also yf after the death of her husbāde she taketh a lease for terme of lyfe, of þe same lādes wherof she is indowable, she loseth her dower of the same. Moreover yf she departeth frō her husbāde and liueth in aduoutre with another man, and is not reconciled agayne to her husbāde wout correctiō of the ecclesiastical power she leseth her dower after her husbādes death. She shall be also barred of her dower if she wil wythholde from the heyre, the charters, and evidence, cōcerninge that lāde wherof she asketh dower: But none other, save the heyre, can wythholde her dower for this cause.

¶ It ought not to be vnknewe also of what thynges she may demaūde dower, and of what thynges not. Of lādes, messuages, aduousons, rent charge, rēc seruyces, or sygnories ingrossed or other wyse, of byllaynes, of cōmons certayne, of estouers cereayne, of milles, and offyces, or of the profyte of them, she is dowable. no dower

But of cōmons, and estouers sans nombze, al

B.i.

so of

Of tenaunt.

Is of annuities, of homages, of thinges of pleasure, as of seruyce of paymēt of roses, and sem-
blable, the shall nat be endowed.

¶ There be yet two other kyndes of dower the one is called dowment ex assensu patris, & is to say, by thassent of the father, & the other is called dowmēt de la plus beale partie. That is to say, of the sayest parte.

Dow-
ment ex
assensu
patris.

¶ Dowment ex assensu patris, is whan the father is seased of landes in fee simple, and his sone whiche is heyre apparaunt, endoweth his wyfe, at the churche doze, whan he is espoused of parcell of his fathers landes, with the assent of his father in wytyngge testifienge the same assente yf in this case her husbāde dye, she may forth with entre into the lande, so assigned vnto her without further appoyntyng of proces of lawe, although the father of her sayde husbāde be yet alvye and in actuall possession of the lande. But yf she thus do, and take her to this endowmēt at the church doze: she can nat haue her dower also by the cōmon lawe of this kynde parte of all her husbādes landes or any parcell of them, howbeit yf she wyll refuse this assignement made vnto her at the church doze, and demaunde dower at the common law, she may so do very well.

Dow-
ment ad
hostium
ecclesie.

¶ A man may also endowe his wyfe at the tyme of the spousayles, of his owne landes, the whiche he hath in his owne possession, and that dower is called dower, ad hostium ecclesie that is to saye, at the churche doze.

Dow-
mēt de la
pl^{us} beale

¶ Dowment De la plus beale, that is to say dowmēt of the sayest parte shalbe in this case whā a mā is seased of lādes, which he holdeth

in dower.

fo. 2.

of an other man by knyghtes seruyce, and of o-
ther landes whiche be of socage tenure, & hath
issue, whiche is within the age of .xiii. yeres &
dye, and the Lorde of whom the lande is holde
by knyghts seruyce, entreth into the lande holden
of him and the mother of the chyld entreth in
to the socage tenure as gardayne in socage, yf
in this case the woman wyl byrnge a wytre of
dower agaynst þe lord which is a gardayne in
cheualrye, he may plede the speyal matter and
shewe, howe she as gardayne in socage hath so
much lande, and therupon pray the court that
she maye be suffred to endowe her selfe of so
much lande, beyng in her owne custodie. as
amounteth to the thyrde part of the hole landes
¶ And then the iugement shalbe, that the gar-
dayne in cheualrye shal retayne the lande holde
of him wytre from the woman durynge the no-
age of the warde. After whiche iugemente and
sentence gyven, she maye go, and in presence of
her neyghbours, and endowe her selfe of þe best
part of that whiche is in her custodie, amount-
ynge to the thyrde part of the hole, and then is
she called tenant in dower de la plus beale.

¶ Finally ye shall vnderstande, that by a sta-
tute made in the .xviii. yere of our most dreade
soveraygne Lorde kynge Henry the eighth, it is
enacted, that where dyverse persones haue esta-
tes made to them and to theyr wyues, and to
the heyres of the husbände, or to the husbände
and wyfe & the heyres of theyr two bodys be-
gotten, or the heyres of one of theyr bodys, or
for terme of both or one of theyr lyues, or a-
ny other persons and theyr heyres to the vse of
the husbände & wyfe or to the wyfe alone, for

B.ii.

her

Anno. 27.
Henri. 8.
Capi. 10.

Of tenaunt.

her ioynture: In every such case the womā shal not be suffered to demaunde any dowry of the resydue of her husblandes landes by whom she hath her ioynter, against any tenaunt of þ̄ lāde. But in case she hath no suche ioynter: thē may she demaunde her dowry after the course of the cōmon lawe. Dowryed neuertheles, þ̄ yf such women be lawfully expelled frō theyr ioynter or any parte thereof without fraude or couyn: thē shall they be endowed of þ̄ residue of theyr husblandes lādes for as much as the lādes shal amount vnto, out of which they were so expelled and put forth.

¶ Dowryed also, that yf landes or tenementes be assured to any womā after marriage for terme of lyfe or otherwyle in ioynture (except it be by acte of parliament) and the wyfe ouerlyue her husblande in whose tyme the ioynture was made: in this case þ̄ wyfe may refuse þ̄ lādes so appointed vnto her in ioynture, & haue her dower at þ̄ cōmon law, of such lādes as her husblande was seased of, at any tyme durynge the cauerture.

¶ Also yf the husblande commytteth treason murdre, or felonye for whiche he is attaynted the wyfe shall not haue her dower.

¶ And note that yf the husblande entre into religion, and is professed, the heyre shall entre into the lande, but the wyfe getteth no dower tyll the husblande dyeth B. 3. 2. C. 2.

¶ And lykewylse if a mā seased of lāde taketh a wyfe that is an Apyen boine & dyeth, she shall not be endowed, except she be made Denizyn by acte of parliament. C. 3. B. 6. And note that when the wyfe bring a wyttie of dower, & recouert

her

Division of inheritaunce. Fol. xi.

her ryghte she shall recouer no damages, but Damages where her husbände dyed sealed of the landes ges. reconered.

Division of inheritaunce.

Herther I have spoken of free holdes, nowe it remayneth to treate of inheritaunces, nat that inheritaunces, be no free holdes, for they be free holdes also, but of the other estates of whiche I have heretofore treated be onely free holdes, & of no hygher nature where as a state of inheritauce, although it be a free holde in dede, yet it is nat to be called by name, syth it is after moze excellent and greater estate. But ye shall vnderstande, that of inheritaunces some be of moze amplyrude and excellency the other some be, as that inheritauce which is pure symple, and wythout lymitation of what heyres, whych kynde of inheritauce is called fee symple. But when I make a lymitation of what heyres, then is it called fee tayle of which also be two sortes, as here after moze at large shalbe declared. Powe therfore the nature of fee symple is set forth with our accustomed compendiousnesse.

Fee symple.

Of fee symple.

Fee symple is as I sayd) the most ample and large inheritauce that can be in this Realme diuised or excogitate, as þ whiche a man hath to hym & to hys heyres symple wythout any further lymytation, for whether they be of hys owne bodye begotten or nat, so that they be the next of hys kynne, and within the degrees it suffyseth.

So the, tenaunt in fee symple is he that hath

Of fee Symple

lādes oz tenemētes (whether it be by purchase oz by discent) to hym and to his heires assygned for ever. For yf a man wyl purchase lādes in fee Symple, he must nedes haue these wordes (hys heires) in his purchase, for these be þe only wordes that make the state of inheritaunce. Therfore yf landes be giuen to a man for ever and no mencyon be made of his heires: he hath an estate but for terme of his lyfe beause these wordes (his heires) do lacke.

Deuise.

¶ Yet neuertheless, yf a man by hys testament doth deuise landes to an other in such place oz case where the custome oz lawe wyl serue so to do, though he maketh no mencyon of heires, but sayeth that he bequeteth to suche a person suche landes, to haue and to holde to him and to hys assignes for evermore: here a state of inheritaunce doth passe, for in testaments þe wyl and intent of the testatoure is to be pondred, & not the formal & prescripte wordes of þe lawe. ¶ Also these termes in the law, franke maryage, and franke almoyne, þe is to say, free maryage and free almoane do include in them wordes of inheritaunce.

**Donū se
mini & san
guini suo
quid sit.**

¶ And therfore yf I gyue landes to a man wth my daughter in franke maryage wthout further addicion oz mencyon of heires, thys is an estate of inheritaunce, as he shall hereafter declare more pleynly. In lyke wyse it is of landes gyuen to an house ecclesiasticall in pure & franke almes. Moreover yf landes be giuen to a man and to his bloude, oz vnto hym & to hys seide, he hath in bothe cases a state of inheritaunce for in the lasse he hath a fee tayle, and in the other a fee simple. For this wyde seide, & bloude and

and ſuche like do implie wordes of inheritaunces
Alſo if landes be giuen to a man and to his
 heyres males, or females, he hath by thys gyfte
 a fee ſymple, bycauſe it is nat expreſſed of what
 body the iſſue ſhall come. **C. 9. B. 6.**

But nowe it is to be ſene who be ſayde a
 mans heyres in **l**aw. Ye ſhall therfore know
 that my brother or ſyſter by the halfe bloude, **The halfe**
 that is to were, by the fathers ſyde, and not by bloude,
 the mothes, or contrary wyſe by the mothers,
 & nat by the fathers, ſhall neuer be myne heyre
 nor none that come of them.

Neyther my baſtard can be myne heyre, nor
 myne owne naturall father nor mother nor
 grandfather, nor grandmother: can be myne
 heyre. For it is a principle & groude of the lawe
 that inheritaunce maye lynyally diſcende, but
 aſcende it may nat. And therfore yf I haue la-
 des in fee ſimple and dye wythout yſſue of my
 bodye, my father can nat be myne heyre, but
 my fathers brother or ſyſter ſhall, and then yf
 my vncle or aunt dye ſealed wythout iſſue, my
 father ſhall haue the laides as heyre to my vncle
 and nat as heyre to me, for that can nat be.
 But it may go from me to myne vncle or aunt
 well ynough, for that is nat called a lynyal aſ-
 cenſion but a collateral diſcent.

Alſo ye ſhall vnderſtāde that lynyall diſcent
 is when the diſcente is conueyed in the ſame
 lyne of the hole bloud, as grandfather, father,
 and ſonne, and ſo downe. And collateral diſcent
 is out another, by a branche, from aboue of the
 hole bloude, as the graundefathers brother or
 fathers brother and ſo diſcendynge.

And ye ſhall note, that by the common lawe

Of fee Symple.

Coparceners,

Escheate.

Dycesite,

A ground of þ law.

realme, the eldest sonne that haue the holt inhe-
ritaunce, & after him if he haue no issue, þ secōde
sonne, and so forth. And yf I haue no sonnes
but doughters, than Mall al the doughters to-
gether iherite, which be called coparceners, but
if I haue no issue at al, neither sōnes ne dough-
ters thē Mall my eldest brother i heritage succede
me, but yf I haue no brother, thē my sisters
yf I haue any, yf nat my vncle by my fathers
syde, yf the lādes be myne owne purchase. And
to be morte, yf there be none in lyfe, of my fa-
thers syde, it Mall go to my mothers syde, and
yf there cā be fōūde no heyre neither by fathers
syde, nor yet by mothers, thē Mall it reuerte &
eschete, as they call it, to the lordē of whome it
was holdē, for currey land muīt nedes be holdē
of somelorde. as Malbe hereafter shewed. But
yf lādes descēde vnto me by my mother s syde,
than yf I sayle of issue, the landes Mall discēde
onely to my heyre of my mothers syde, & neuer
to myne heyres of my fathers syde: as on þ cō-
trary syde, yf I haue lādes oz any hereditamē-
tes by discēt frō my fathers oz hys blode, they
Mall neuer discēde to my heyres by my mothers
syde.

¶ And thus ye se a greate difference in this
behalfe, betwene purchasēd lādes, and landes
which discende from my auncestoure.

¶ Yf there be thre sōnes, & the myddle sonne
purchase landes and dye wythout issue, the
eldest Mall haue the landes & nat the yongest.

¶ Also it is a p̄nciple in our lawe, that none
can be myne heyre of landes that I hold in fee
simple, oneles he be mine heyre by þ holt blode
that is to saye, both by father & mother, for yf

a man

a man hath issue two or thre sonnes by sondry wyues, and the eldest purchaseth landes in fee and dyeth without issue, his halfe brethren shal meane those that be nat his brethren both by fathers syde, and mothers syde, shall nat haue the lande, but it shall go to his vncle.

¶ Likewise if a man hath by hys fyrst wyfe a sonne & a doughter, and by hys seconde wyfe another sonne, and the sonne by the fyrst wyfe purchaseth landes in fee simple and dyeth without issue: the syster german, that is to say, both by fathers syde & mothers shall haue the landes by discente as heire to her brother, and nat the yonger brother, for as much as the yonger brother, can nat in this case be heire to his elder brother because he is no brother germaine vnto hym. Otherwyle it is of landes or other hereditamentes entayled as shalbe hereafter specified.

¶ Also if a man be seyled of landes in fee simple and hath issue, a sonne and a doughter by one wyfe, and after the death of hys fyrste wyfe a sonne by another wyfe, and dyeth, and the eldest sonne entreth into the landes, and after he dyeth without lawfull issue of his body, the doughter shall haue the landes and nat the yongest sonne, & yet the yongest sonne is heire to his father, but he is nat so vnto his brother. But if in this case the eldest sonne had nat entered, after the death of his father but had dyed before any entre made by him, then shal nat the syster germaine entre, but the yonger brother is heire to hys father, because the eldest brother was neuer in actuall possession, whiche is requisite to the person that claymeth to be heire collaterally.

¶ But to the lynyall heires, it suffreth that the

Of fee simple.

ancestour shulde haue bene heyre yf he had lyued, I meane as thus. A man is seased of lādes and hath issue a sonne and a daughter by one wyfe, and afterwarde a sonne by another, he dyeth, and after hys death the eldest sonne entereth nat but dyeth without issue befoze he can make actuall entre, here in thys case his syster shal not haue þ landes as heyre to her brother hycause her brother was nat actuall possessed but þ yonger brother shal haue thē as heyre to hys father. Yet yf the eldest sonne in þ case had lefte behynd hym issue of hys body, whether it had bene sōne, oz daughter, this issue nat wstāding, þ the father of the issue was neuer possessed eyther actually, oz in þ law, shal haue lādes & shal cōuey his discēt frō his father, the cause herof is this, þ þ sōne oz dought is linial heire where as þ brother, syster, vncle, ante. &c. be helres collaterall, & so ye shal obserue a dyuersite.

I call an actuall possession, whē a man entereth in dede into landes whych be to hym descended, but a possession in lawe, is called when landes be descended to a person, & he hath nat yet really, and actually entered into them. For notwithstanding that he is in actuall possession yet he is possessed in the lawe, that is to say, in the eye and consideration of the lawe he is deemed to be possessed, forasmuch as he is tenant to euery mans accion that wyl sue for the said landes, for els assuredly there shuld insue an intolerable inconuenience, as we shal moze copiously open in another place.

Distinction.

Hereditary. Ye shal further moze vnderstande that this word (inheritāce) is nat only to be accommodated and applied to that whych cometh by descent oz suc-

or Successiō frō amā's an cestours or p̄decessours
but also to every purchase i fee simple, or fe tayle
¶ And note that a man can haue no larger, or
greater estate then fee symple.

¶ Of fee tayle.

Ye shal vnderstāde, that before a certayne
Statute called the Statute of Westm.
seconde, there was no state tayle but all
was fee symple, eyther purely that is to saye,
without condycion or at the lest waye condycy
onally as appereth by the p̄eience of the sayde
statute, but nowe scithens the promulgating of
the statute, diuers formes of statute tayle haue
ysen.

West. 2.
Capi. 1.

Division

¶ Fee tayle is whē it is prescribed and lymit-
ted in the gyft, what sort of heyyes & by whom
engendryed shall inherite.

¶ As for example, I gyue landes to a man
and to hys heyyes and go no further, this is fee
simple: but yf I make a lymitacyon, and adde
of his body begotten, nowe is it fee tayle, that
is to say, a fee or inheritaunce lymitted, prescrip-
ted, determinate, or assigned.

¶ So that yf I gyue landes to a man and to
his heyyes, he hathe, fee symple, but yf I gyue
landes to him & to his heyyes of his body law-
fully begotten, he hathe but a fee tayle, for as
muche as I appoynte, lymite, prescribe, and ex-
presse what heyyes they shalbe and for lacke of
such heyyes, the gyft shalbe expyed and worne
out, and the lādes shalbe reuerred againe to the
gyuer or his heyyes.

¶ But ye muste obserue and note that there
be two kyndes of fee tayle. There is a general
tayle,

Of fee tayle.

tayle and there is speciall tayle.

**Generall
tayle.**

Tfee tayle generall is as where landes be gyuen to a man and to hys heyles of his body be gotten wythout any mencyonyng and expresseynge by what woman they are to be gotten.

And therfore yf a man be tenaūt in the general tayle of landes, & taketh a wyfe and hath issue by her, and she dyeth and afterwarde he taketh another wyfe, of whō he hath also other issue here eyther of these issues is inheritable to this lande intayled. But yf I expresse in the gyft by what womā the heyles shalbe procreate and ingendryed, then is it an especiall tayle, as for example to make the thyng playne, yf landes be gyuen to a man and to the heyles of hys body lawfullye begotten by Margarete hys wyfe, thys is an especyal tayle, for the issue of him be gotten by another woman, shal neuer inherite by force & vertue of the tayle. Akyewyle it is, yf landes be gyuen to a woman & to the heires of her body lawfullye begotten (and shewe not by what man) this is a generall tayle, but yf I go forth and saye by suche man her husbāde, then it is an especiall tayle.

**Especyall
tayle.**

Also yf I gyue landes to a man and to hys wyfe, & to the heyles of theyr two bodys lawfully begotten: thys is an especiall tayle, as well in the husbāde as in the wyfe.

**Franke
marriage.**

Sembleble it is, yf a man gyue landes to an other mā with his doughter, or kynswomā in franke marriage, thys worde (franke marriage) implyeth a state tayle especially, and in thys case as well the man as the woman hath estate in the speecyall tayle.

But yf I gyue landes to a mā and to suche
a woman

a woman, and to hys heyrtes that he shall beget of her, here the women hath estate but for terme of her lyfe, and the husbände an estate in þe especyall tayle. And lykewyse it is in the womans behalfe, as yf I gyue landes to a man & to his wyfe, and to her heyrtes of the bodye of her said husbände engendryed, he hath an estate but for terme of lyfe, & she an estate in the especyall tayle. But in both cases, yf I had sayde to þe heyrtes & not hys or her heyrtes, then shulde eyther of them haue had an estate in the especyall tayle, bycause this worde heyrtes is as well referred to the one as to the other.

Cye shall also vnderstande, that yf landes be gyuen to a man, and to the heyrtes males of his bodye, thys is a state tayle, and in this case the heyre femall shall neuer inherite.

Discente
by heyrtes
males.

Also yf a man hath issue and dyeth, and lādes be gyuen to hi & to his heyrtes of his bodye begot en, this is a good estate tayle, althoughe the father, were deade at the tyme of the gyfte.

Cynally it is to be noted, þe of landes which a man hath in fee simple the possession of the brother shall cause the syster germaine that is to saye, the syster both by the fathers syde and mothers, to inherite, & in this case the brother by the halfe blode shall not inheryte, as here to fore was sayde, but of lādes which be intayled otherwyse it is. Therfore if a man be seased of landes in the generall tayle, and hath issue by his fyrst wyfe: a sonne and a doughter, and also a sonne afterwarde by another wyfe, & dyeth, and the eldeste sonne entrethe into the landes and after dyeth, the syster germaine to the eldest sonne shall not haue þe landes but þe yonger brother

Tenaunt after possibilitie.

brother of the halfe blode bycause, who soeuer shall inherite landes or any other hereditamentes in taylor, must clayme them as next and immediately heire, not to hym þ dyeth laste sealed of þ landes but to him whom the landes were fyrst gyuen vnto, whiche in the case befoze remembred, is the sonne and not the doughter.

Diuersitie **T**hus ye shall marke a greate diuersitie by twene the forme of succession in the landes of fee simple, and the forme in fee taylor.

Tenaunt after possibilitie of issue extincte.



When landes, tenementes or other hereditamentes be gyue to a man & to his wyfe, and to the heires of theyr two bodys lawfully begotten yf in this case eyther of the chaunce to dye befoze they haue issue betwene them, he or

she that ouerlyueth, is styl tenaunt in taylor, but wythoute all possibilitie of any issue that can be heire to these lades or hereditamentes thus intayled, and for this cause he or she thus ouerlyuynge is called tenaunt after possibilitie of issue extincte, for in such a tenaunt is al possibilitie of issue that maye be inheritable to these landes by force of the gyfte in taylor vnterly extincte and quenched and by his or her death þ state taylor shall expyre, cease, & be abolyshed for ever, & shall reuerce & turne againe to the gyuer or donour from whence it came.

**Dyspari-
tyfiable
of wast.**

Yet forasmuche as this tenaunt after possibilitie of issue, had ones an inheritaunce in hi he shall nat be punished by an action of waste though

Of yllue extincte,

Fol. xvi.

though he maketh neuer so muche wast in the landes and tenementes where as yet in effecte he is but a tenaunt for terme of lyfe.

¶ But yf thys tenaunt doth alienate, in fee suche landes he in the reuerſion may entre for the forſayture.

Forſey-
ture.

¶ And thys of eſtates at thys preſent tyme ſhal ſuffyce. But to the entent that ye may the moze eaſyly cōprehende all the members of the diuiſion of poſſeſſiōs and eſtates which men may haue in landes tenementes and other heredita- mentes, it ſhall nat be euyl done to ſet forth as it were in a table befoze your eyen the diuiſion therof which is thys.

Fee ſymple.

State of
inheri-
taunce.

Generall.
Speciall.
After poſ.

Fee tayle

After þ
cōmon
lawe.

Curtelſpe of Englande
Dowre.

Frank tenet
onely.

Terme of lyfe
Terme of others lyfe.

Frank
tenet.

Poſ-
ſeſ-
ſion
of

After the
cuſtome.

Which is deuoyded in ſpke
maner as franktenement
by the common lawe.

Terme of yeres.
Marde of landes.
At wyll.

Reall.
Chatel.

Perſonall.

All goodes mouables.

Of parceners or other coheires.

Hetherunto I haue made a cōpendious
and shorte declaracion of estates of al
sortes. But where I sayd, that amōge
systers there is no prerogatyfe or pree-
minēce cōcernyng y^e inherityng of theyr aunc-
cestours lādes but y^e they shalbe altogether in-
heritours and make as it were but one heyre it
is expedient to make a further declaraciō and
processe in this behalfe, and to shewe how and
in what maner thys partition shalbe made.

Distinction
parceners
at the cō-
mon law
parceners
by custōe.

But ye shall vnderstande that there be, be-
syde parceners at the common lawe, which be
only sisters, also parceners by custome, which
is amōges brothers cōtrarie to the course of
the cōmon lawe, and this custome is in summe
places of Kent, & in other places where landes
& tenementes be of the tenure of Gavelkynde.

Ye shall therfore knowe that when a man
is seased of lande in fee symple or fee taile, and
hath no issue but daughters, and dye, and the
daughters do entre into the landes thus desel-
ded vnto them, nowe they be called parceners,
or coheires, & by a wyrt called: De partitioni
facienda brought by one of them agaynst the
others, they shalbe contrayned by the lawe to
suffer an egall partition to be made of the lan-
des betwene them.

Wyrt de
partitione
facienda.

Partitiō
in diuers
maners.

1.

2.

Firste partition maye be made in sundry
wayes. One waye is when they them selues do
make partition betwene them of the hole heri-
tage and do agree vnto the same, and do entri-
every one into her parte so allotted vnto her.

Another waye is when by all theyr agree-
ment and cōsent one cōmon frende doth make
the partitiō. In whych case y^e eldest syster shall
hau

haue the fyyst eleccion, and after her the secōde syster, and so forth. But yf they agree þ the eldest syster shal make the partition, and she maketh it, then the eldest shal nat chose fyyste, but shal suffer all her sisters to chose before her, as it is thought.

3.

There is also another forme of partition whiche is egallye to deuyde the landes into so many partes as there be coheyrres oz perceners and to wypte every parte so deuyded in a seuerall scroulle of paper, & so put the sayde scroulles into a bonet, oz to enclose them seuerally in balles of ware, and thā the eldest syster to chose whiche balle she wyll, oz to put her hande into the bonet, and to make a scroulle, and to holde her to her chaunce and allotment, and so consequently every syster after other.

4.

And ye shal note, that partition by agrement may as well be made by nude and bare wordes without wyptynge as by wyptynge.

Note.

And yf any of the perceners wyll nat suffer any p̄tion to be made, thā may the other that wolde haue p̄tion purchase a wypt called De partitione facienda, agaynste the that refuse p̄tion to cōpell the same to suffer p̄tion to be made accordyngly, and than by the iudgement of the court, the shryffe by the serement & othe of twelue men shal make p̄tion betwene them and shal assygne to eche syster her porcyon, as he shal thinke good, without gyuynge any eleccyon oz chose to the eldest.

A wytte
De p̄tion
one fact
enda.

And yf two W̄anours oz meesse happen to discede to two sisters, & the maners be nat of egall value, thā may she, to whom the lesse maner oz meesse is allotted, haue assigned vnto her

L. i.

a rent

Of parceners,

**Wittres
of comon
ryght.**

arent propozably out of the other maner
for the whiche rent the and her heyres may dys
strayne of comon ryght, though they haue no
wytynge therof.

Hochpot.

Cynally, ye shall vnderstāde, that yf a man
be leased of lādes in fee simple, and hath yssue
two daughters, and gyueth with one of his
daughters to another mā that shall mary her,
the thyrde or fourth part of his lande in franke
marriage and dyeth, yf in this case h daughter
that is in this wyse bestowed & auanced, wyl
haue her porcion of her fathers heritage, the
must put her lande gyuen vnto her in frāke ma
riage in Hochpot newe agayne, I meane she
must be cōtented to suffre her sayd landes to be
commytte & mengled with the other landes of
which her father dyed leased in fee simple, so h
an equall diuision may be made of the hole, or
elles she shall haue no parte of those landes of
whiche her father dyed leased. But yf her fa
ther had made vnto her but a common gyfte in
tyle, or feffment in fee, she shulde nat nede to
put her landes in Hochpot, but may very wel
kepe & retayne them still, & also haue as good
part of the rest of the lādes of which her father
dyed leased, as her other sylter or sylters haue.
For a gyfte in frākemarriage, is accompted the
most free and most lyberall gyfte that can be, &
that gyfte whiche the lawe iudgeth to be onely
for the auancement and bestowynge of the
daughter, where as feffmentes in fee simple &
also comon gyftes in tyle be accustomed for
other causes, and for the auantage rather of
the gyuour, or feffour then of the taker.

**Franke
marriage.**

Also yf parceners make partition of lādes
beyng

beynge wrythin age that partition is voyde.

¶ And yf parcellers in fee simple make pccioⁿ and the part of the one is better then the other beynge of full age of .xxi. yeres, then the partition is good and can not be defected, but yf it be of landes in fee taylor, the one parte beynge better then the other, that partition may be defected by theyr luyres.

¶ Of Ioyntenauntes.

HYtherunto verelpe haue we spoken of Coheyes called Parcellers at the common lawe, which as is heretofore declared do come to landes and other hereditamentes ioyntlye by the course, operacion and acte of the lawe. Nowe shall we speake somewhat of them wherthe cyther ioyntly or seuerally coe to landes, tenementes, or other hereditamentes by theyr owne purchase, acte, procurment and workynge. And of these they that come to the by ioynt tyle, waye, or colour be called ioyntenauntes, but they that come by seuerall tytles, wayes, or colours to landes or tenementes, be named tenauntes in comon.

Tenautes
in comon.

¶ So then, yf a man beynge seased of landes or tenementes or other hereditamentes shall ther of enfeffe two, thre, foure, or more, to haue and to holde to them in fee simple, fee taylor, or for terme of theyr lyues, or for terme of anothers lyfe, these persones so enfeoffed and seased, be called Ioyntenauntes. Also yf two or moo do expell and disseise another man of any landes or tenementes to theyr owne behoufe and vse these disseisours and wyonge doers are nowe

L.ii.

become

Of ioyntenauntes,

become ioyntenauntes, bycause by theyr owne acte they come ioyntly to thys lande. But yf they do disseyle another mā to the vse onely of one of thē, in this case they be not ioyntenauntes but he to whose vse the disseisin is made is tenaunt alone of the same, and the other haue nothyng in the tenauncy, but be called aydours or coadiutors to the disseisin.

Disseisin.

¶ And ye shall vnderstande, þ a disseisin is properly, where a man entreth into any landes or reuementes there where his entre is nat lawesfull, and putteth out hym whiche hath the freeholde of the same.

**Suruy:
your tasketh place.**

¶ And ye shall furthymore knowe, that the nature of ioyntenauncye is that he which suruyeth and ouerlyueth the other, shall haue to him selfe alone the hole & entire tenauncye accordyng to that estate whiche he shulde haue had yf the ioynture had ben continued, as (for example) thye Jyoyntenauntes be of landes in fee symple, and the one hath the yssue & dyeth, in this case the two whiche do ouerlyue theyr fellows, shall haue the hole landes betwene thē, and the yssue of hym that is depyed getteth nothyng. And if the secōde ioyntenaunt hath also yssue & dye, the thyrde whiche hath ouerlyued thē bothe, shall now haue & enioye the hole to him and to his heyrres for euermore.

**Dyuer:
lyte.**

¶ But oether wyse it is of coheyrres whiche in our lawe be called parceners. For yf there be, iii. suche coheyrres & parceners, and befoze any partition made, the one hath issue a sonne or a doughter and dyeth, his porcion shal discende and fall to his chyld, and shall nat runne amōgest the other ioynt heyrres or coparceners.

Howe

Howbeit yf such parcener or coheyre had dyed wpythout issue, then shulde his porcyon haue disceded to his coheyses. But howe: not by force of surupnour or ouerluyngge which in latyn is called ius accrescendi, but by very discent, for where any of the coheyses dye. withoute yssue who cā be heyre to him or her so dyenge, but þ other coheyre to him or her so dyenge, but the other coheire or the rest of the coheyses yf ther be many. ¶ And lyke as this ryght of surupuer or ouerluyngge hold eth place amōges ioyntenauntes of landes and tenemētes, so in lyke maner it holdeth place amōges thē which haue ioynt estate or possession w others of chatells whether they be real or personal. As (for example) yf a lease of landes or tenemenes be made to many for terme of certayne yeres, þ ouerluyner or ouerluyers shal haue the hole durynge þ terme by force of þ same lease. So of chattelles personall, yf an horse, ore grayne or other such personall chattell be gyuen to many, he whiche ouerluyeth shal haue the same alone. In scēblable wyse it is of dettes & dntyes. For yf an obligation be made to many for one det, & so of other couenauntes and contractes.

¶ Also some Ioyntenauntes may be whiche may haue ioynt estate and be ioyntenauntes for terme of theyr lyues, and yet haue seuerall inherytauntes. As where landes be gyue to two men & to the heyses of theyr two bodyes engendred, in this case, these two personnes haue ioynt estate for terme of theyr two lyues. And yet they haue seuerall inheritauntes. For yf the one haue issue and dye, þ other that suruyue th shal haue al by force of the surupnour for terme

Ioyntenauntes of real or personal goodes.

Ioyntenauntes of seuerall inherytauntes.

Of ioyntenauntes.

Tenaun-
tes in com-
mon.

of his lyfe. And yf he that suruiveth hath also
ysue & dye, thā the ysue of the one shal have
halfe of the landes, & the ysue of the other shal
have thother halfe, & they shal holde the lande
betwene them in cōmune & shal nat be ioynte-
nauntes, but tenants in cōmon, and the cause
and reason why suche donees i such cases have
ioynt estate for terme of theyr lyues is, for that
at the begynnig the lādes were gūē to thē two
whiche wordes without moze sayinge, make a
ioynt estate to thē for tyme of theyr lyues. For if
a man wyl let lāde to another by dede or with-
out dede, nat makynge mencion what estate he
hath & of thys maketh lyuerpe of seisin, in thys
case the lesse shal have a state for terme of hys
lyfe. And yf he have no lyuerpe of seisin he is
but tenant at wyl. And so for asmuch as shal-
des were gūē vnto thē, they have a ioynt estate
for terme of theyr lyues. But the cāe why they
have seuerall inheritaūce, is thys, for that they
can nat by possibilitie have an heire betwene
thē engēdred as a man and a womā may have
wherfore the lawe wyl that theyr estate & theyr
inheritaūce shalbe suche as reason wyl after
the forme and effecte of the wordes of the grfte,
and that is to the heyres that the one engēdred
of his body by any of hys wyues, & to shē heyres
that the other engēdred of his body by any of
his wyues. So it behoueth by necessite of rea-
son, that they have seuerall inheritaūces. And
in such case yf the ysue of one of thē aff shēd
of thē both doth dye, so that he hath no ysue a-
lyue of his body engēdred: then the donour
whych gaue the landes or hys heyres may entre
in the halfe as in his reuercion though shē other
hath

hath yssue alpye. And the cause is þ forasmuch as the inheritances be seuerall, therfore þ reuercion in the lawe is seuered, & the suruiour of the yssue of the other shall holde no place to haue the hole. And as it is sayd of males in the same maner it is where lādes be gyue to two fe males & to þ heyses of their. ii. bodyes begottē. ¶ Also yf landes be gyuen to two and to the heyses of one of thē, this is a good ioyntenaunce, and the one hath a freholde, and the other hath a fee simple, & yf he which hath fee simple dye, he that hath the freholde shall haue the hole by þ suruiour for terme of his lyfe.

Suruiour hol-
deth no
place.

¶ And yf these two ioyntenauntes ioyne in a gyfte in taylor to a stranger, reseruyng a rent to hym that hath a state but for his lyfe, this reseruation is voyde to make a tenure. Lyke wyse it is where tenementes be gyuen to two and to the heyses of the body of one of them engedyed the one hath freholde & the other fee taylor.

¶ Note, yf two ioyntenantes be seased of estate of fee simple and the one graunteth a rent charge by his dede to another out of þ which to him belongeth, in this case durynge the lyfe of the grauntour the rent charge is good and effectuell, but after his decease the rent charge is voyde, as to charge the landes, for he þ hath the lande by the suruiour shall holde all the lande discharged, the cause is for that he that suruiueth, claymeth to haue the lande by the suruiour and not by descent of his felowe.

Rente
charge
graunted
by a ioya
tenant.

¶ But other wyse it is of pencers or coheyses for yf ther be. ii. pencers in fe simple & before any pnticion made, þ one chargeth that, þ to him belongeth by his dede of a rent charge & dyeth wh-

Druct:
lyte.

Of ioyntenauntes.

out issue, here that whych to hym belögeel dis-
cendeth to the other parcener and in thys case
the other pcener shal holde the lāde charged by
cause he cometh to þ halfe by discent as heire.
¶ Also yf there be two ioyntenaūtes in fee si-
ple, wythin one bozough where the landes & te-
nemētes within the same bozough be deuifible
by testamēt yf the one of þ sayd ioyntenaūtes
deuylse that whych to hym belongeth, by testa-
ment, & dye, thys deuylse and legation is voide.
And the cause is for that, þ no deuylse may take
effect tyl after the death of the testatour which
bequeethed & deuylsed the same, and by his death
all the lande incontinent cometh by the lawe
to his felowe that suruiveth by the suruiour
which neyther claymeth nor hath any thyng in
the lande by the deuylse but in his owne ryght,
by the suruiour after the course of the lawe &
for this cause suche deuylse is voide.

¶ But otherwylse it is of parcnere sealed of
tenemētes deuifable in suche case of deuylse for
the cause about remēbred. Also it is commonly
sayde that every ioyntenaunt is sealed of the
lande that he holdeth ioyntlye par my et par
tout, that is, throughe out & by all. And this is
as much to say, that he is sealed by euery par-
cell and by all, whych sayenge is true for in e-
uery parcell and part and throughe out all the
landes & tenementes he is ioyntly sealed wyth
hys felowe. And therfore yf the one ioyntenaunt
make a feffemēt to his cōpanion, this is voyde
bycause he can make no lquery of season to hi.
Also yf two ioyntenaūtes be sealed of certayn
lādes in fee siple & thone letteth that, þ to hym
belongeth to a straūger for terme of, xl. yeres &
dyeth

Deuylse
by testa-
ment,

A grounde
of þ lawe.

Duer site

dyeth wythin the terme, in thys case after his death the lessee may entre & occupye the halfe to him letten durynge the sayd terme though the lessee neuer had possession of it in p^{er}son of the lessour by force of the lees. And the difference betwene the case of the graunt of a rent charge and this case is this that in the graunt of a rent charge by a ioyntenaunt the landes or tenementes abyde alwaye as they were afore wythout that, p^{er} any hath ryght to haue parcel of the tenementes but them selfe and the tenementes abyde in such p^{er}tye as they were before p^{er} charge. But where a lees is made by a ioyntenaunt to another for terme of yeres, incontynēt by force of the lease the lessee hath ryght in p^{er} same lāde that is to say, of al that, that to his lessour belongeth by force of the same lease durynge hys terme. And yf the lessour in this case dye the other ioyntenaunt shal haue the rent or ferme durynge the sayde terme bycause the reuerſion is come to hym byſuruiuour. ſpecially yf a p^{er}sonate estate be made of lande to the husbande & wyfe and to the thyrde persone, in thys case the husbande & the wyfe haue nat in the lawe in theyr ryght but the halfe, and the thyrde person shal haue as muche as the husbande & p^{er} wyfe haue that is to saye, the other halfe.

¶ And the cause is for that the husbande and wyfe be but as one person in the eye of p^{er} lawe and it is here in lyke case as yf estate be made to two ioyntenauntes where the one hathe by force of ioynture p^{er} one halfe, & the other the other halfe. In ſemblable wyſe it is where estate is made to the husband and wyfe and to other two men, in this case the husbande & the wyfe

Tenauntes in cōmon.

haue not but the thyrde pars and the other two men the other two partes.

Also yf two oꝝ thye toggyther disseiseth another of landes & tenementes to theyꝝ owne vles, then suche disseisours be called ioyntenauntes, Whiche shalbe sayde of this matter touchynge ioyntenauntes in the nexte chapiter.

Tenauntes in Common.

Tenauntes in Common (as I sayde befoꝛe) be they that haue landes oꝝ tenementes in fee simple, fee taylor, oꝝ foꝛ tyme of lyfe, which haue suche landes and tenementes by seuerall tytle, and not by ioynt tytle and none of them knoweth that whiche is seuerall to him. And in this case they ought by the law befoꝛe partition made betwene the to occupie suche landes and tenementes in cōmō and foꝛ vnderpyned to take the pꝛofytes in cōmon. And bycause they come to suche landes & tenementes by seuerall taylor and nat by one selfe ioynt tytle and theyꝝ occupation and possession i the same is amonge them in cōmon, they be called tenauntes in common, oꝝ tenauntes pꝛindit. As foꝛ example, yf a man in feoffe. ii. ioyntenauntes in fee simple, and the one of them alieneth that, h to him belongeth to another in fee, nowe the other ioyntenant and he to whiche the alienacion was made be tenants in cōmon foꝛ that they be seased of suche tenementes by seuerall tytles, foꝛ the one cometh to the one halfe by the feoffement of the ioyntenant and the other hath the other halfe by foꝛce of the fyrste feoffement made to him and to his felowe and so they be in by seuerall tytles & by seuerall

Seuerall feoffementes.

¶ And it is to wpt, that when it is sayde in any Disfinie booke, that a man is sealed in fee withour more cion of fe sayenge oz addicō, it shalbe vnderstāde fee simple. onely. ple, for it shal not be vnderstāde by such worde in fee þ a man is sealed fee tayle, except there be put in it such addicō (tayle).

¶ Also yf thre ioyntenauntes be & the one of ioyntenauntes them alveneth that whiche vnto hym be lōgeth to another in fee, in this case the alvenee is tenaunt in cōmon w the other. ii. ioyntenauntes. But yet the other. ii. ioyntenauntes be sealed of the. ii. partes ioyntly, and of these. ii. partes the curuour betwene them holdeth platē.

¶ Also yf there be. ii. ioyntenauntes in fee and the one gyueth that, that vnto hym belongeth to another in the tayle, the donee and the other ioyntenant be tenants in common. But yf the landes be gyuen to. ii. men and to the heyres of they. ii. b dyes engēdyed, the dones haue ioynt estate for terme of they. ii. lyues, and yf eche of them haue issue & dye they. ii. issues shal holde in common.

¶ Also yf landes be gyuen to. ii. men to haue and to holde, the one halfe to the one & to his heyres, & the other halfe to þ other & to his heyres, they be tenants in cōmon.

¶ Also yf a mā sealed of certayne lādes enscolfeth another in þ halfe of the same lāde wout any speche of assignement oz lymytacion of the same halfe in seueralte at the tyme of the feoffement, the feoffe & the feoffour shal holde they. ii. partes of þ lande in common.

¶ And as it is of tenants in cōmon of landes oz tenementes in fee simple oz fe tayle, euen so

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Tenauntes in cōmon.

haue not but the thyrde part and the other two men the other two partes.

¶ Also yf two oꝝ the togyther disseiseth another, of landes & tenementes to theyꝝ owne vles, then suche disseissours be called ioyntenauntes, Moze halbe sayde of this matter touchynge ioyntenauntes in the nexte chapitre.

Tenauntes in Common.

Tenauntes in Common (as I sayde before) be they that haue landes oꝝ tenementes in fee simple, fee taylor, oꝝ for tyme of lyfe, which haue suche landes and tenementes by seuerall tittle, and not by ioynt tittle and none of them knoweth that whiche is seuerall to him. And in this case they ought by the law before partition made betwene the to occupie suche landes and tenementes in cōmō and forvndeuyded to take the profits in cōmon. And bycause they come to suche landes & tenementes by seuerall taitles and nat by one selfe ioynt tittle and theyꝝ occupation and possession in the same is amonge them in common, they be called tenauntes in common, oꝝ tenauntes p̄indiviso. As for example, yf a man infeoffe. ii. ioyntenauntes in fee simple, and the one of them alieneth that, & to him belongeth to another in fee, now the other ioyntenant and hē to whiche the alienacion was made be tenants in cōmon for that they be seased of suche tenementes by seuerall tittles, for the one cometh to the one halfe by the feoffement of the ioyntenant and the other hath the other halfe by force of the fyrste feoffement made to him and to his felowe and so they be in by seuerall tittles & by seuera

Seuerall feoffementes.

And it is to w^{yt}, that when it is sayde in any D^{iffin}ie booke, that a man is sealed in fee without more cion of fe sayenge or addicō, it shalbe vnderstāde fee simple only. ple, for it shal not be vnderstāde by such worde in fee ꝑ a man is sealed fee taylor, except there be put in it such addicō (taylor).

Also ꝑf thre ioyntenautes be & the one of ioyntenautes them alveneth that whiche vnto hym belōgeth nautes to another in fee, in this case the alpenee is tenaunt in cōmon wth the other. ii. ioyntenautes. But yet the other. ii. ioyntenautes be sealed of the. ii. partes ioyntly, and of these. ii. partes the curiour betwene them holdeth platē.

Also ꝑf there be. ii. ioyntenautes in fee and the one gyueth that, that vnto hym belongeth to another in the taylor, the donee and the other ioyntenant be tenants in common. But ꝑf the landes be gyuen to. ii. men and to the heyres of the. ii. b^y dyes engēdred, the dones haue ioynt estate for terme of the. ii. lues, and ꝑf eche of them haue issue & dpe the. ii. issues shal holde in common.

Also ꝑf landes be gyuen to. ii. men to haue and to holde, the one halfe to the one & to his heyres, & the other halfe to ꝑ other & to his heyres, they be tenants in cōmon.

Also ꝑf a mā sealed of certayne lādes ensc^o feerly another in ꝑ halfe of the same lāde wthout any speche of assignement or lym^{it}acion of the same halfe in seueralte at the tyme of the feoffement, thē the feoffe & the feoffour shal holde the. ii. partes of ꝑ lande in common.

And as it is of tenantes in cōmon of landes or tenementes in fee simple or fe taylor, euen so

Tenaunt in comon .

**Joynte-
nautes.**

So it is of tenautes for terme of lyfe . Therfor
yf two ioyntenautes be in fee and the one let-
teth to a man that , þ vnto him belongeth for
terme of lyfe and the other ioyntenaunt letteth
that which to him belogeth to another for tyme
of lyfe also, these two lessees be tenautes in co-
mon for terme of theyr lyues .

Also yf a man let lādes to two mē for terme
of theyr lyues, of whō the one graunteth all hys
estate to another : thē that other tenaunte for
terme of lyfe, & he to whom the graunt is made
shal be tenautes in comon durynge the tyme
that both lessees be alive.

Question

Note yf there be two ioyntenautes in fee,
and the one letteth that, þ vnto him belongeth
to another for terme of lyfe: þ tenaūt for terme
of lyfe durynge his lyfe and the other tenaunt
that dyd nat let be tenantes in comon . And
pon this case a question may ryse as this . In
the case be that the lessour hath issue & dyeth,
durynge the other ioyntenaūt his felowe , & he
durynge the tenaūt for terme of lyfe, the question
is whether the reuerfion of the halfe that the
lessour hath shal discende to the issue of the les-
sour or whether the other ioyntenaūt shal haue
it by the surryuoure or no . And somme haue
sayde, that the other ioyntenaūt shal haue the
reuerfion by the surryuoure for as muche as,
when the ioyntenautes were ioyntely seysed
in fee symple, though one of them made estate
of that, that vnto him belongeth for terme of
lyfe, and though he hath seuered the franke te-
nement of that, that to him belongeth by the
lessees, yet he hath nat seuered the fee symple.
But the fee symple abydeyth to them ioyntely as

it was

It was before. And so it semeth vnto the, þ the other ioyntenaunt which suruiveth shall have the reversion by þ suruivour. But other have thought the contrary, and this is theyr reason. When one of the ioyntenauntes letteth that which vnto him belögeth to another for terme of lyfe by suche lease the franke tenement is severed from the ioynture. So that the reversion that is dependaunt vnto the same franke tenement is severed from þ ioynture. Furthermoze yf the lessour had reserved to him a yerely rent vpon the lesse, the lessour onely shulde have the rent which is a prove þ the reversion is only in him and that the other hath nothinge therein.

¶ Also yf the tenaunt for terme of lyfe were impleded and make default after default, þ lessour shalbe onely here vpon receyued to defende his right and nat his felowe, which proueth þ reversion of the halfe to be onely in the lessour and so consequently, yf the lessour dye, luyng the lessee for terme of lyfe the reversion shall discende to the heyres of the lessour and shall not come to the other ioyntenaunt by the suruivour after these mens opinions, yet it is dout. But in this case, yf the ioyntenaunt that hath the franke tenement, haue issue & dye, luyng the lessour and the lesse, than it semeth that the issue shall haue the halfe in his demesne, as of fee by descent for as muche as the franketene- ment may nat by nature of the ioynture be annexed to a reversion, and it is certayne that he that letteth, was seased of the halfe in hys demesne as of fee, and that none shall haue any ioynture in his franke tenement. So that this shall discende to his issue.

Rescepte

Quere.

ye

Tenauntes in cōmon.

Release.

EYf thye ioyntenaūtes be, & the one releaseth by his dede to one of his felowes all the ryght he hath in the lande, the hath he to whōe the releas is made þ̄ thyrde part of the lādes by force of the release, and he & his felowe shall holde other.ii. parties ioyntly. And as to the thyrde part þ̄ he hath by force of the release he holdeth it with hym selfe and his felowe in cōmon.

And it is to wyte, that sometyme a dede of releas shall take effect to put the state of him that made the releas in him, to whom the releas is made as in case afoze sayde.

Also yf a ioynt estate be made to the husband and wyfe & to a thyrde persone, and the thyrde person releaseth hys ryght that he hath to the husbande: then hath the husbande the halfe whiche the thyrde person had, and the wyfe & thys hath nothyng. Semblably yf the thyrde person had released to the wyfe nat naimyng the husbande in the releas, the shulde þ̄ wyfe haue the halfe that the thyrde person had, & the husbande nothyng of this but in ryght of his wyfe bycause such releas shall enure to put the estate to hym to whōe it was made of all that þ̄ belongeth to hym that made the releas. Agayne in some case a releas shall enure & serue to put all the ryght that a man hath that made the releas in hym to whome it is made. As a mā being sealed of certayne landes is disseised by two disseisors yf the person disseised by hym dede release all hys ryght to one of the disseisors, the he to whom the releas is made shall haue and holde all to hym alone & put out the felowe of the occupation of it. And the cause is for that the two disseisors were sealed by wronge

Dysseysours.

wronge by them done agaynst the lawe, & whā one of the getteth the releas of him þ had right to entre, this ryght resteth in him to whome the releas is made, & in suche plyte as if he þ had the ryght had entred and enfeofed hym of the sam e. And the cause is, for that he that befoze had an estate by wronge hath nowc by the releas a ryghtfull state.

¶ And in some case a release shall enure and take effecte by way of extinguyshment, & such a release shall helpe the ioyntenaunt to whome the releas was nat made aswel as him to whō it is made, as if a man be disseised, and the disseisour maketh a scoffement to two men in fee yf the pson disseised releas to one of the scoffes in fee by his dede, thā such reales shal enure to bothe the scoffes bycause the scoffes haue estate by the lawe, that is to saye by the scoffement and nat by wronge done to any other.

¶ And in lyke maner yf the disseysour make a lease to a man for terme of lyfe, the remaynder ouer to another in fee, yf the dysseysie wyll releas to the tenant for terme of lyfe al his ryght this releas serueth as wel to hym in þ remaynder, as the tenaunt for terme of lyfe. And the cause is for that the tenant for terme of lyfe cōmeth to his estate by the course of the lawe, & for this cause the releas shal enure and take effecte by way of extinguyshment of the ryght of hym that hath released. And by this releas the tenaunt for terme of lyfe hath no greater estat than he had befoze the releas made vnto hym and yet the ryght of hym that released is al vterly extyncte and gone. Wherefore for asmuch as such releas can nat enlarge the state of þ tenaunt

Releate
by way
of extyn-
guishment *

A releas
shall enu-
re to hym
in the re-
maynder

Tenauntes in cōmon.

naunt for terme of lyfe, it is reason, that it shall serue him in the remaynder.

Also yf there be two parceners, and the one alpeneth his part to another: þe other parcener and the alpene be tenauntes in common.

Tenauntes in common by title of prescription

Furthermore tenauntes in common may be by title of prescription yf the one & his ancestors or they whose estate he hath in þe halfe haue holden in cōmon the same halfe with the other tenaunt þe hath the other halfe and with his ancestors or them whose estate he hath in vndeupded tyme out of mynde.

Actions seuerall.

And ye shall marke, that in some case tenauntes in cōmon ought to haue of theyr possessiōn seuerall actions, & in some case they shall toyne in one action, for yf there be two tenauntes in cōmon & they be disseyled, they ought to haue agaynst the disseylour two assyles and nat on assyle. For euery of them ought to haue an assyle of his halfe, bycause they were seased by seuerall titles, but otherwys it is of iointtenauntes, for if there be .xx. iointtenauntes & they be disseyled, they shall haue in al theyr names but on assyle, bycause they haue but one ioynt title.

Assyle.

Also yf there be thre ioynttenauntes, of whiche the one releaseth to one of his felowes all the ryght he hath and afterwarde thother two be disseyled of the hole, in this case they shall haue in both theyr names one assyle of the two parties. And as to the thyrde parte he to whom the reales was made ought to haue therof a assyle in his owne name, bycause as to þe thyrde part he is tenaunt in common.

Diuersite.

Also as to sue actions þe touche the realty there is a diuersite betwene parceners that

diuers

in diuers discentes, and tenauntes in common,
 For yf a man leased of certayne landes in fee,
 hath issue two daughters and dye, & they entre
 into the landes as coheyses, and eche of them
 hath yssue a sonne & dye without pricion made
 betwene them, so that the one halfe descendeth
 to the sone of the one prencer, & the other halfe
 to the sone of the other and they entre & occupy
 in comon, & be diseased, in this case they shall
 haue in theyr two names one Wyfe, & nat two
 Wyfes. And þ cause is, though they come in by
 dyuers discentes, yet they be coheyses & prencers

Also yf two tenauntes in common of cer-
 tayne landes in fee, gyue the same to another
 man in the taylor, or let it to another for terme
 of lyfe. yeldynge an annuyte or certayne rent or
 a poude of Wyper, or an hauke or an horse, ad
 they be leased of these seruyces & afterwarde
 all the rent is behynde and they dystayne for it
 and the tenant maketh there rescous, in this
 case as to the rent & the poude of Wyper they
 shall haue two Wyfes, and as to the Hauke &
 the Horse but one Wyfe. And the cause wher
 they haue two Wyfes as to the rent & pounce
 of Wyper is, for that they were tenantes in co-
 mon by serucial tytes, & whā they made a gyft
 in the taylor or lease for terme of lyfe, launye &
 reseruyng to them the reuerfion and yeldyng
 to him certayne rent: this reseruacyon is in-
 dent to theyr reuerfion.

Rescous.

And bycause theyr reuerfion is in common &
 by serucial tytes, euen as theyr possession was
 before the rent and other thynges which maye
 be severed and which were to them reserued by
 upon the gyft or vpon the lease whiche be in-
 dent

Tenauntes in comon.

Plaint in
assise.

dent by the lawe to the reuerſion) therfore ſuch
thynges ſo ſeuered be of the nature of reuerſion
Wherefore it behoereth that þe rent & the pounde
of Peper which may be ſeuered be to the inch
mon by ſeueral tytles. And of this they ſhall
haue two Aſſiſes & euery of them in his Aſſiſe
ſhall make his playnt of the halfe of the rent
of the halfe of the pounde of Peper. But of þe
houſe and the houſe which can nat be ſeuered
they ſhall haue but one Aſſiſe, for it were an ab
ſurditie & thinge inconuenient to make a playm
in aſſiſe of the hake of an Houſe, or of þe halfe
of an houſe. In lyke maner it is of the othe
rentes and ſeruices that tenauntes in comon
haue in groſſe by dyuers tytles.

Parſon:
all acciōs

¶ And ye ſhall vnderſtande that concernynge
accion parſonals, tenauntes in comon ought to
haue them ſoyntly in al theyr names, that is to
ſaye of trespaſs or of offences that touche the
tenementes in comon, as of breakynge of the
houſes, breakynge of theyr cloſes, and paſture,
waſtyng and defoulynge of theyr graſſe, cut
tyng of theyr woodes, & of fylſtyng in the
poundes, and ſuch other, and they ſhall recou
ſoyntly damages, becauſe the accion is in the
parſonallitie & nat in the realtie.

Damage.

Tenaunt
in comon
ſhall haue
one acciō
of Detre.

¶ Alſo yf tenauntes in comon make a leaſe
of theyr tenementes to another for terme of ye
res yeldynge vnto them perly a certayne rent
yf the rent be behynde, they ſhall haue one acci
on of Det agaynſt the leſſe and nat dyuers ac
cions, becauſe the accion is in the parſonallitie
But in auoury for the ſayd rent, they ought to
ſeuer becauſe it is in the realtie as the aſſiſe

Auoury.

¶ Tenauntes in comon of chatels.



It is to be known, þ̄ as there be tenaunttes in comō of lādes oꝝ tenementes: so there be tenaunttes i comō of possēssōs & pperries of chatels aswel real as psonal. Of real as if lees be made of certain landes to two mē for tme of. xx. yerres, & whā they be therof possēssed þ̄ one graunteth that, þ̄ vnto him belōgeth, durynge the tme to another he to whō the graūt is made & the other shall holde & occuppe in cōmon.

¶ Also yf two ioyntenaunttes haue the warde of the body and of the landes of an heyre wīn age, & thone of thē graunteth to another that, þ̄ vnto him belongeth of the same warde, thē he to whome the graūt is made, & þ̄ other þ̄ graunteth not shall haue & holde it in cōmon.

¶ Of chatels parsonels, as yf. ii. haue a ioynt estate cyther by gyfte oꝝ by byenge of an hōse, oꝝ of an oxe, oꝝ suche lyke, and the one of them graunteth that, þ̄ to hym belongeth here shall the graunte and he that graunted not, haue & possede such chatel personal in cōmon. And in suche cases where dyuers psons haue chatels real as oꝝ personals in cōmon and by dyuers tytles yf one of thē dye, the other that suryuereth shall not haue his felowes parte by the suryuerour, but the executours of him that dyeth shall holde & occuppe it wī him þ̄ suryuereth i like fourme as their testatour dyd oꝝ ought in his lyfe, forasmuch as their tytles & rightes were several.

¶ Also in þ̄ case aforesayd, yf two haue estate in cōmon for tme of yerres, and the one dothe

D, ii. occuppe

Joynte:
naund of
awarde,

Of chatels .

**A wyrt de
electione
firme.**

**De electi
one custo
die.**

Trespas.

occuppe all and put the other out of his posses-
sion and occupacion, the shal he that is put out
haue agaynst thother a wyrt de Electione fir-
me for the halfe . In semblable maner when
two holde the warde of lande oz tenementes
durynge the nonage of a chyld, yf one shal put
out the other of his possession, he that is out
shall haue a wyrt, de Electione custodie of the
halfe, because these thinges be chatels reales, i
may be appoyoned and seuered. But no ac-
cion of Trespas lyeth for the one agaynst the o-
ther (as for example Quare clausū suū fregit
herbam suā conculcauit et cōsumpsit noz such
lyke accions) forasmuch as eche of them may
entre and occuppe in common. But yf two be
possessed of chatels psonels in common by di-
uers tytles as of an horse, oz an ore, cowe, yf
the one take it all to him selfe out of the posses-
sion of the other, the other hath none other re-
medys, but to take it agayne from him & hath
done him the wronge, when he may se his tyme.

In lyke maner of chatels reales whiche may
nat be seuered, as in the case aforesayd, when
two be possessioners of a warde of the body of
a chyld within age, yf one shall take a chyld
out of the possession of the other, the other hath
no remedy by any ac. iō at the lawe, but to take
the chyld out of the others possession, when
he seeth his tyme.

**Fourme
of ple-
dyng.**

Ifynally ye shall vnderstande that whan
man in pledynge & declarynge his cause wyl
shewe a dede of feoffment made vnto him of
a gyft in the taylor oz a lease for terme of lyfe of
any landes oz tenementes, shall vse his termes
in this wyse, and saye, by force of suche feoff-

Of pticion by ioyntenaūtes. Fo. xxvii.
merite, gyfte, or lease, was sealed.

¶ But where a man wyll declare or pleade a lease or agrauē made vnto him of a charell real or personal, these he shal say by force of which he was possessed,

¶ Of particion to be made by ioyntenauntes & tenaūtes in cōmon inacted.

Anno. xrx. D. viii.

All ioyntenauntes & tenaūtes in cōmon of any estate of iheritaūce in theyr own ryghtes or in the ryght of theyr wyues of any landes or heredytamentes wythin this realme of Englande, wales, or the marches of the same, shall and may be compelled to make particiōn betwene them of the same whiche they so holde as ioyntenauntes or tenaūtes in cōmon by wytt de pticipatiōne faciēda to be deuyd in the chauncery in lyke maner as coparceners are compelled to do, and the same wytt to be pursued at the common lawe. And after suche pticion made euery of þe sayd ioyntenauntes & tenauntes in common, shal & may haue ayde of the other or of theyr heires, to thintent to dereigne the warrantie paramourte and to recouer for the rate as is vsed betwene coparceners after particion made by the ordre of the cōmon lawe.

¶ Item in the. xxxii. yere of kyng Henry the viii. Cap. xxxii. It is further inacted that all ioyntenaūtes & tenaūtes in cōmon which holde ioyntlye or in cōmon for terme of lyfe, yere or yeres or ioyntenauntes or tenauntes in cōmon where one or some of the haue estate for terme of lyfe or yeres wyth other that haue estate of

Wytt de
Participa
tiōne
faciēda.

Ayde
prayed.

D. iii. in

Of condicions,
 inheritaunce or free holde in any lādes or other
 hereditamentes shalbe compellable by wytt
 of Particion to be pursued out of the chancery
 vpon theyr cases, to make seuerance & parti-
 cion of all suche lādes & hereditamentes as they
 hold ioyntly or in common for terme of lyfe or
 lyues, yere or yerres where one or some of them
 holde ioyntly or in cōmon for terme of lyfe or
 yerres wyth other that haue an estate of inheri-
 taunce or free holde. Wherbynd that no suche
 particion nor seuerance, be hurtfull to any p-
 son other then suche as be parties vnto þe said
 particion theyr creatours or assignes.

Of condicions.



Either pure or cōdicionall, it wou-
 nat amysse to make some declar-
 ation of the nature and efficacy
 of condicions. Wherfore ye shal
 vnderstāde þe of condicions, som
 be actual condicions, & be called expresse con-
 dicions or condicions in dede, and other som
 be condicions in lawe whych be called also
 layne Condicions tacite, siue condiciones in
 plicite, bycause they be secretly implied by the
 lawe and nat expresse.

Distinction.

**Condici-
 ons in
 dede.**

Condicions in dede be suche as be knyght an-
 nounced by expresse wordes to the feoffement
 lease or graunt, eyther in wytyng or withou-
 as for example yf I infeoffe a man in certayn
 landes reserpyng to me and to my heyres
 muche rent yerely to be payde at suche a feal
 and for defaute of payment, þe it shal be lawfu-
 for me to reentre, this is a feoffement vpon cōdi-
 cion

cion of payment. And here the nat payment of the rent shal dissolue & utterly defete the feoffement, scēblably it is of gyftes in taylor leales. &c.

But yf the condicion be, that for defaute of payment of the rent, it shalbe lawfull for the feoffour to entre agayne into the lādes and to holde them yll he be cōtented and satisfeyed of the rent, this cōdicion nat perfozmed doth nat dissolue nor vndo the feoffement, but only gyueth to the feoffour an aucthoritie to retayne the landes (as it were by waye of distresse) yll he hath leuied the arrearages of the rent. And ye shall wel marke and obserue, that condicions be sometye made to be pfozmed on the feoffees behalfe, & sometye on the feoffours behalfe. On the feoffees behalfe, as when I enfeoffe you of landes or tencementes vpon cōdicion þ ye shal do such an act, as to pay vnto me or to myne heyres suche annuel rent.

On the feoffours behalfe, as when I make a feoffement vnto you vpon cōdicion that yf I pay or cause to be payde vnto you before such a daye suche a summe of money, then it shalbe lawfull for me to entre agayne and retayne my lādes in my former estate. In this case he þ is the feoffee, is called tenant in mortgage, whiche is as much to say as dede gage, and it semeth that þ cause why it is so called, is for as much as it is doubtfull whether the feoffoure wyl pay at the daye lymyted & pscrybed such summe of money for the redemption of hys landes or no, for yf he do nat, hys tyele or interesse in the landes thus gaged and oppygnorate is utterly extyncte & gone without all hope of renuyge.

Ye shall also note, that yf the mortgagecours

Distres.

Tenant
in mortgage

Of condicions.

dyeth before the daye of paymēt, his heire may redeme the lande very wel, euen as wel as hys auncestour & mortgaged the lande myght have done, althoughe there be no mention made of heires in the wyrryng.

¶ Also yf when the money is lawfully by the mortgagour or his heire rendred and profered, & the feffer refuseith to receyue & same the feoffour or his heire may entre, & the hath & feoffor no remedy for hys money at the comon lawe.

Condici-
ons voyde

¶ Ye shal vnderstande also, that some condicions be vnderly voyde in the law, & of none efficacie, vertue, or strength, as yf a feffment be made of landes in fee simple vpon condicion, that the feoffee shal nat aliene or put awaye the same to none other, thys condicion I saye is voyde, bycause the feoffee is restrayned of his hole power that the lawe gyueth in suche cal vnto hym, and whych power and libertie, is in maner included in euery feoffment. Yet he may abbydge hym of parte of his power, as to condicion wth hym that he shal nat alien the landes to suche a persone or suche. But as gyftes in taylor otherwyle it is, for yf I gyfte landes to a mā and to the heires of hys body lawfully begotten vpon condicion that he nor hys heires shal aliene the landes to none other persone, thys condicion is good and effectual in the lawe, & yf he or hys heires contrary to the condicion do aliene them, the the gyuer or hys heires may very well entre and retayne the landes for euer bycause thys condicion shal stand wth the fornamed statute of westmynster the seconde whych prohibyeth suche alienacions to be made.

Giftes in
taylor vpon
condicion.

By the crum

Wherunto haue I spoken of condicions in dede, now wyl I shewe what be condicions in lawe that be annexed to any estates.

Knowe ye therfore, that yf the offyce of a **States** **Parker, Stewarde, Cōstable, bedell, or barlyfe** upon cons-
or suche lyke offyce be graūted to a mā for tyme ditions in
of hys lyfe, though there be no condicion at al lawe,
mentioned in the graūt, yet the lawe speaketh of a condicion in this case, whych is that yf the
partye to whom suche offyce is gyuen shal nat execute all pointes apperteynyng vnto hys of
fyre accordyngly, by him selfe or his lawfull de putye, it shalbe lawfull for þe graūtour to entre
and discharge him of his office and this condi- tion is called a condicion in lawe. There be also
thre other maners of estates vpon condicion that is to saye, condicions agaynst the lawe, condi-
cions repugnant, and condicions impossible.

Fyrst estates vpon condicion against þe lawe be, as yf a man maketh a feoffmēt, gyft graūt **Conditi-**
or lease vpon condicion that yf the feoffours, ons a-
denours, graūtours, or lessours kyl J. S. whi- gaynst the
che is nat the kynges enemy, or burne his house lawe.
that then it shalbe lawfull to the feoffours, do-
nours. &c. to reentre, this condicion is voyde
and thestate is good.

And lyke lawe is yf such condicions be to be pfeurmed of the parte of the feoffe, graūte &c.

But yf case be þe a lease for terme of yeaeres be made of lande vpon condicion that yf the lessee kyl J. S. that then he shal haue fee simple although þe he in thys case pfoyme þe con-
dicion, his estate is nothyng thetherby enlarged bycause the condicion is agaynst the lawe.

Also ye shall vnderstande that where an ob-

Of condicions.

Obligacion. Obligation is entoyled with a condition the which is agaynst þe lawe: both the obligacion & also þe condition be clerely voyde in the lawe.

Condicion repugnant. Estates vpon condicions repugnant be as yf a feoffment or a gyfte in taylor be made vpon condition that the fesse or donee, shall take no piosyte or shall do no wast, and such other lyke such condicions be voyde and the state good and effectuell in the lawe notwithstandinge. Also yf a lease be made for terme of lyfe vpon condition that he shall dwelle this is a voyde condition.

Also yf a man that hath nothyng in the maner of dale graunteth a rent charge goynge out of the same vpon condition þat his person shall nat be charged this graunt is good and þe condition voyde.

Condicion impossible. Estates vpon condicions impossible be as yf a feoffment be made vpon condition that yf the fesse goeth not throughe the see on fote to Daleys in one day then it shall be laweful to the fesse to reenter, this is a frustrate & voyde condition & yet the state is good.

Also yf a lease be made for terme of yeres, or an obligacion with a condition impossible, yt sup. the obligacion, or lease is good and condition voyde to all purposes.

An acte howe straungers shall take auantage of condicions made. An. xxiii. h. viii.

It is enacted that aswell persone whiche have or shall have any gyft or graunt of the kynge by his letters patentes of anye landes, personages, tythes, or other heredytamentes, or of any reuerſion of the same which by

belonge

belonge to any monastery or other ecclesiastical house dissolved or otherwysse comye into the kynges handes syns the. iiii. day of februarye in the. xxvii. yere of our soueraigne lord kyng Henry the vyght, or whiche at any tyme heretofore byd belonge to any other person, & after came into the kynges handes, as also all other persones beyng grauntes or assignes to the kyng or to any other person, theyr heires executors, successours, and assignes, shal haue lyke auantage agaynst the fermours, & theyr executors, administratours & assignes by extre for nat payment of the rent, or for doyng wast or other forfayture, & also shal haue þe same auantage by acciō only of nat pfourmyng of other condicions couenātes or agrementes cōteyned in the indentures of theyr lecles or graūtes agaynst the sayd fermours, and graūtes, theyr executors, administratours, & assignes, as the sayd lessours or grauntours the selues myght haue had at any tyme. And agayne mutually and on the other syde, the sayd fermours, and graūtes for terme of yeres, lyfe, or lyues, theyr executors, administratours, & assignes shal haue lyke auantage agaynst the for any condicion couenānt or agrement cōtayned in the said indenture, as they myghte haue had agaynst the sayd lessours & graūtours theyr heires & successours all benefytes & aduantage of recoueries in valur by resō of any warrant of dede or in law by voucher or otherwysse only except.

¶ Provided that this acte shal nat extende to charge any person for breach of any couenānt or condicion compysed in any suche wytyng, but for suche as shal be broken and nat perfor med

Lyuary of season,
med after the fyrst daye of September in the
xxii. yere of this kyng and not before.

Lyuary of season, and attournement.



In all feoffmentes, wrytes in taylor, leases for yeares of lyfe, or for tyme of a man, others lyfe, of lades or tenementes, there can be no iteracyō transmutacyō possessyō by þe auncient lawes of this realme unless there be a certayne ceremony adhybited and solempnyed in þe presence syght of neyghbours or others, which ceremony is called lyuary of season.

The maner of lyuary of season.

And ye shal vnderstāde, that thys ceremony of lyuary season is done, whan the feoffour, lord, lessour or theyr deputye come with his neyghbours solemply to the landes or tenementes, and they put the feoffe, tonze or lesse in possession of the sayd landes or tenementes by lyuaryng vnto him a clodde of erth or þe ryng of the doze, or some other thyng in the name of season, and for this selfe cause thys ceremony of lawe is called lyuary of season that is to say a tradicion or gyving of season.

Dynertic betwene possessor and season.

But this ceremony is nat requyred in lesse for terme of yeres or in lessees at will forasmuch as the lessour in suche case remaineth styll seased, and the lessee hath the onely possessyon wythout the seasing, and therfore the termes of the lawe be, that such a man is possessed, where as in feoffmentes, wrytes in taylor, and leases for lyfe, he is called seased.

and attournement, Fo. xxxi.

Wherfore yf a feoffement or lease for lyfe be made of landes or tenementes and before the livery of seisin be made the feoffour dyeth the heire of the feoffour shall have the landes Per Summū ius, that is to say by the rigour of the lawe, notwithstandinge that the feoffee hath payde to the feffour the pryce of the lande, and although the feoffee be in possession. But otherwise it is of a lease for terme of yeres.

Alke ceremony is vled, whan rent charge rent seruyce, rent in grosse, auouson in grosse, a villayn in grosse, comon in grosse, comon for beastes certayne, cistours, & suche other thynge as passe by way of graunt, be graunted for it is no full & pfyte graūt, tyll it be cōsignate & sealed as it were wth ceremony of attournemēt

This attournement is nothinge els, but whē the tenant of the lāde of which the reuerſyon is graunted, or out of whiche a rent is graūted do make some euident sygnification and roke that he accepteth the person of whō the graūte is made to be in the same respect vnto him that the grauntour was. As for an example, yf the tenant of the lande after he haue herde of the graunt cometh to the grauntee that is to wyt, to the person to whom the graūt was made & saie in this wyse, or in lyke effecte.

I agre me vnto the graunt made vnto you by suche a man, or I am well apayde & cōtēted of the graūt & suche a mā hath made vnto you But the most vsuall & frequent forme of attournement is to saie. Syr I atturme vnto you by force of the sayd graunt, or I become your tenant, or to delyuer vnto the grauntee a peny or a halfe peny by way of attournement.

¶

Lpucry of season.

Yf a man maketh fyrt one graunte to one person, & after another to another person the graunt shall stande to whiche the tennaunt wyll atturue althoughe it be the latter graunt.

And ye shall note, that yf a man be seased of a manour whiche is percel in demene, & parcel in seruyce, and dothe alpyene the same manour to another, onelesse the tennautes of þe manour do atturue þe seruyces shall not passe, on tennautes at wyll excepted, for it nedeth not cause them to atturue.

**Dyuer-
syte.**

Note furthermoze there is a greate dyfference betwene grynge a peny in name of lease, and grynge by way of atturument. whan it is grynge of the tennaunt to that graunt in the name of lease, it doth nat only imply an atturument, but also it gyueth him such lease, that yf the rent afterwarde were lhynde and not payde, he maye nowe vpon lease of the peny, aft a lawful distress takyn after rescous made, byng an Assyle of Rescous, where as yf it were grynge onely by way of atturument he coulde not byng an Assyle, but his wyte of Rescous onely.

Assyle.

**Wyte of
Rescous.**

Also ye shall vnderstande, that where lād is be deupfable by testamēt by the custome of an auncient boroughe or cytye, yf there the reuerfion of any landes be by testament bequeath to a man in fee, and the testatour which was the deupfoure dyeth the deupse, that is to wyte he to whome the deupse was made hath for with the reuerfion in him without further ceremonye of atturument. Lyke wyse it is yf a man by testament doth bequeath a rent charge that he is seased of, or a rent seruyce, there

**Atturne-
ment is.**

dealy none atturment at al.

¶ If two ioyntenauntes be of lande and the
lozde graunteth the seruyces to another, yf one
of the ioyntenauntes atturneth it is ynoughe.
Fynally, yf a lease be made for terme of lyfe, &
remaynder to another in taylor, the remaynder
ouer to the ryght heyre of the tenaunt for tyme
of lyfe, yf in this case the tenaunt for terme of
lyfe wyl graunt hys remaynder in fee to ano-
ther by hys dede, this remainder possesseth forth-
with without any atturment, for yf any at-
turnement were requysite, it shulde be made of
the tenaunt for terme of lyfe, which in this case
is the grauntour him selfe. And in daync it is &
the grauntour shulde be inforced to atturne,
Sych an atturment is adhibired & had to none
other purpose, than to haue the cōsent & agre-
ment of the particuler tenaunt, to thynketh & it
may appere, that he hath noyce and knowlege
of this graunt but here where as & particulat te-
naunt him selfe is the grauntour, an atturment
were superfluous, and moze than neded.

¶ Note furthermoze & where there is lozde
and tenaunt and the tenaunt leaseth his tene-
mentes to a woman for lyfe le remayndre ouer
in fee the woman taketh a husbāde & after the
lozde graunteth the seruyces, &c. to the husbāde
in this case durynge the couerture the seruyces
be put in suspence. But yf the wyfe dye luyng
the husbāde, the husbāde & hys heyres shall
haue the rent of the in the remayndre, &c. And in
this case there nedeth no atturment by worde
because the husbāde that ought to atturne ac-
cepteth & graunt of & seruyces the which accep-
taunce is one atturment in the lawe.

Suspence

of

Of seruice.



Hitherunto haue I byedye touched & ouerrune the sundry kyndes and formes of estates. For soasmuch as there is no tenure but hathe vnto it some seruyce knyt and annexed, it were necessary to declare howe many kyndes of seruyces there be, & what seruyce is due to every tenure. For the knowlege hereof ye shall vnderstande, that the pryncypal and most common kynde of seruyce that the tenaunt oweth to his lord is called knyghtes seruice.

H knyghtes seruyce.

Knyghtes seruyce includeth homage, alie and for the most part escuage. whosoever holdeth his lādes by knyghtes seruyce, is bounde by the lawe of this reah to do vnto his lord homage and fealte, and pay for most parte escuage, when it shal be assessed by auctoritie of parliamēt, as hereafter more playnly shalbe declared.

Homage is the most humble and reuerent seruyce that a man of free estate & cōdition do, for when the tenaunt shal do homage to his lord, the lord shal sette and the tenaunt the knele before him vpon bothe knees, holdynge his handes betwene his lordes hādes, and in this wyse. I become your man frō this day forthwarde of lyfe and of mēber and earth honoure, and to you shalbe faithfull and true and faith to you shal beare for the landes clayme to holde of you, lauyng & sayth that heare vnto our soueraygne lord the kynge, when the lord so sperryng shal kysse hym. If yf an ecclesiasticall person whiche by his op

Homage.

Howe the tenat shall do homage.

and profession hath addicted hym selfe to the
seruyce of God in especial, shall do homage to
his lord he shall say: I do to you homage, and
shall be to you faithfull and true, and sayth to
you shall beare for the tencementes that. I holde
of you, saynge the sayth which I owe to our
souveraigne lord the kynge.

What a
religious
person shall
say when
he dothe
homage.

¶ Also when a woman nat maryed dothe
homage to her lord, she shall nat say, I become
your woman, for it is nat couenient þ a woman
shulde be the woman of any other then of her
husbande that she shall marye, but shall saye
euen as the ecclesiastical person sayth: I do vn
to you homage. &c.

What a
woman
shall saye

¶ And yf purchaunce a man holdeth sundrye
landes and tenementes of sundry lordes, and
euery of them by knyghtes seruyce, then in the
ende of his homage makynge he shall saye sa-
uyng the sayth þ I owe to our soueraigne lor-
de the kynge, and to myne other lordes,

¶ And none is bounde to do homage to the
lord, onles it be suche a tenant as hath in þe
nature an estate of fee simple, or fee taylor, ex-
cept in his owne right, or in þe right of another.

What te-
nant shall
do homa-
ge.

¶ For yf a woman haue landes or tenementes
in fee simple or fee taylor, whyche she holdeth of
her lord by knyghtes seruyce, and taketh an
husbande and haue issue, in this case the hus-
bande in the lyfe of his wyfe shall do the ho-
mage, because he hath a tyle to haue the lan-
des by the curtesy of Englande yf he ouerly-
ueth her, and also he holdeth them now in his
wyfes right, yet befoze issue hadde betwene
them the homage shall be made in both theyr
names, But yf the woman dyeth befoze any

Anyghtes Seruyce.

homage made in her lyfe, & the hufbande in his lyfe, and the hufbande keepeth ftill the lande as tenaunt by curtesy, now he fhall nat do homage to his lord bycaufe he hath no we and State but for terme of lyfe.

Fealtie.

Howe a tenat fhall do fealte,

Diferfite betwene homage & fealte.

Fealtie is as much to fay as a fidelitie, faythfulnes, in doyng wherof the tenaunt fhall holde his hande vpon a booke, and faye thus. Heare you this my lord, I to you fhall be faythfull and true, and fayth to you fhall beare for landes and tenementes, whiche I clayme holde of you, & duely fhall do you the custome and Seruyces whiche I owe to do you at places assigned, as me helpe the God & his Churche. And then he fhall kyffe the booke, but he fhall nat kiffe as he that doth homage, nor do he humble or reuerent feruice as is before declared in homage.

And ye fhall obferue, that homage can be done but to the lord him felfe, where as the Reward of the lordes court or the bayliffen take fealtie for the lord. Also tenaunt for terme of lyfe fhall do fealtie, but homage as fard, he can nat do.

Escuage.

Nowe as concernynge escuage, that is to fay, the Seruyce of the Mylde ye fhall vnderftand that he that holdeth his lades by escuage, by the kynge maketh a vyage rovall into Scotlande for the fubduynge of the Scotts, is bounde to be with the kynges Maieftie by the space xl. dayes well and conueniently arayed and appointed for the warre. And he that holdeth his lade but by the moytie of the fee of knyghtes Seruyce, is bounde by the force of his tenure to be with the kyng by the space of .xx. dayes, and

to proportionably accordyng to the rate and quantitie of his tenure.

¶ But nowe to our institute and purpose, after this voyage royal into Scotlande, in whiche the kynge goeth in personne, and after the retyre into Englande agayne, a parliament is wont to be commoned, in which shalbe prescribed and assessed whan euery person that helde his lande by homage and went nat with the kynge neyther by him selfe, nor by his deputie, shall pay to his lord in satisfaction of his nat seruyce, and accordyng to the taxon hercof euery tenaunt shall paye to hys immediate lord whether it be the kynge or other after the rate & proportion of his tenure yf he holdeth by an hole fee, he shall paye the hole escuage, yf by a moyetye, the halfe, yf by the fourth parte of a fee & fourth parte. &c. and this money thus assessed is called scutage or escuage, for which the lord to whome it is due, may very wel for the none payment therof distreyn.

Parliament,

Distresse for escuage.

¶ But here it is to be noted, that some tenantes by custome vyled tyme out of mynde are bounde to paye but the moyetye, or the thyrde parte of that whiche shalbe assessed and lymitted by acte of parliament.

¶ Yea, and the custome is in some place, that to what summe of money so euer escuage is assessed, the tenantes shall pay neuer but such a certayne summe of money and this kynde of escuage is called escuage certayne, that is to say where escuage is assessed by the parliament to a more or lesse summe the tenaunt to pay to his lord. &c. and no more nor no lesse. &c. suche a tenure is called Socage tenure & nat anyghtes

Escuage certayne.

Of warde marriage.

seruyce, where as the other is called escuage vncertayne.

Escuage vncertain

Espuall ye shall vnderstande, that escuage vncertayne is alwayes adiuaged to be knyghtes seruyce, and draweth, vnto it warde, marriage and reliefe, but escuage certayne is no knyghtes seruyce but is of þe tenure of socage as shal be hereafter moze amply shewed.

Of warde marriage and reliefe.

Every knyghtes seruyce draweth vnto warde, marriage, and reliefe. Whereof it is nowe ryght expedient somewhat to entre a c of them.

Warde.

Eye shall therfore be admonysched, þat whiche the tenaunt which holdeth his lande by knyghtes seruyce dyeth, his heyre male beyng at the tyme within the age of .xii. yeres, the lord shal haue the warde, that is to saye, the custodie, keepinge of the landes so holden of hym to his owne vse, and profyte, tyll the heyre cometh to the full age of .xii. yeres. For the lawe presumeth that tyll he come to this age, he is not able to do such seruyce, as is of this tenur requyred. Furthermoze yf suche heyres be vnmarraged at the tyme of the death of the tenaunt, then the lord shal haue also the warde and the bestowynge of the marriage of him.

Marriage

The full age of a woman.

But yf tenaunt by knyghtes seruyce dyeth his heyre female beyng of the age of .xiiij. yeres or above, then the lord shal haue the warde neyther of the lande ne yet of the body of such an heyre, and the reason hercof is bycause such a woman of that age may haue a husbande all

and reliefe.

Fol. xxxv.

to do knyghtes seruyce that is to say, to waite
vpon the kynges maiesties persone when he as-
saunceh into Scotlande with his army royal.

¶ But yf such an heyre female be wythin age
of. xiiii. yerres & nat maried a the tyme of the
death of her auncestour, the lordes shal haue
the warde of the lande holden of hym tyll such
heyre female comyneth to the age of. xvi. yerres,
by force of an acte of parliament in the statute
of Westmynster the fyfth Cap. xii.

¶ Note that there is a greate diuersitie in the
lawe bwtwene the ages of females & of males,
for the female hathe these many ages appoynted
by the lawe. Fyfst, at. vii. yerres of age the
lordes her father maye distrayne his tenantes
for ayde to marie her. Seconde at. ix. yerres of
age, she is dowable. Thyrde, at. xii. yerres she
is able to assent to matrimonye, fourthly,
at. xiiii. yerres she is able to haue her lande, and
shalbe out of warde yf she be of this age at the
death of her auncestour.

¶ Fyfthly, at. xvi. yerres she shalbe out of war-
de, thoughe at the death of her auncestour she
was wythin age of. xiiii. yerres.

Syxtly, at. xxi. yerres she is able to make aliena-
cions of her landes or tenementes. Where as y
man hath but two ages, the one at. xxiij. yerres
to haue hys landes holden in socage, and to as-
sent to matrimony, the other at. xxi. to make a-
lienations.

¶ Ye shall vnderstande that by the statute of
Merton, the xijth chapter, it is enacted that
yf in case the lordes do mary thei warde to vil-
laynes or others, where is dispargement, yf
such heyres so maried be wthin the age of. xiiii.

C. iii,

perres

Dyversy-
te of age.

Age of a
woman.

The age
of a man.

Of warde marriage.

peres oz of suche age that the sayd warde can nat consent to the marriage, the yf the frendes of thys heyre complayne and fele thet thei selou greued wyth thys vnmete mariage, the nexte kynne to the heyre, vnto whome the heritag can nat descende, may entre into the lādes, and put out the loyde whych is gardeyne in chivalry, and yf the nexte kynnesman wyl nat thus do, another kynnesman of the infante maye do the same. Shal take the issue & profytes to the behouf vsc of the heyre, & Mal pelde accōptes the rof to hym when he commeth to hys full age.

**Exempt
guynges.**

**Dyuers
disparge-
mentes.**

¶ Also there be dyuers other dyspargementes whych be nat expessed in the sayd statute, a yf the heyre beyng wythin age of consent, in warde, be maryed to a decrepitate persone crepyll, as to one that hath but one fote oz one hande, oz that is a deforme creature, oz havi any horrible disease oz continual infirmitie. All these and suche lyke be dispargementes. But here also ye shall vnderstande, that it sh be sayd no dispargement, onles the heyre be maryed when he is wythin the age of discretion, that is to saye: wythin the age of .xliiij. yeres. For yf he be of that age oz aboue and consenteth to suche mariage, it is no dispargement neyther shal the loyde for suche mariage be hys warde, bycause it shalbe reputed and assigned to the folp of the heyre beyng of age & discretion, to consent to suche mariage.

¶ Nowe yf the loyde, then beyng gardeyne offre to the heyre beyng in hys warde a conuenient mariage wythout dyspargement, and the heyre refuseth it, as he may at his choise and election very well do, then yf loyde shal haue the

ball

and reliefe.

fo. xxxvi.

value of the maryage of such heyre whan he cometh to his full age. But yet yf he mary hym selfe beynge so in warde agaynst the wyl of his gardayne, than he shal pay the double value by force of þe statute of Werto betoꝝ remembred.

¶ And ye shall note, that yf landes holden by knyghtes seruyce descēde to an infant oꝝ chyld within age fro his mother oꝝ from any of his auncestours, his father beynge yet alyue, i this case the lord shal nat have the maryage of his heyre, foꝝ duryng the lyfe of the father, þe sonne shalbe in warde to no man,

¶ Finally, it is to be knowne, that he which is gardayne in cheualry i right, may after he hath leased the warde, graunt the same eyther by dede oꝝ without dede to another man and than he to whom such graunt is made is called gardayne in faye.

¶ Nowe as touchynge reliefe, ye shall knowe that if a man holdeth his lāde by knyghtes seruyce i dyeth his heire beynge of full age (þe full age of the male is. xxi. yeres of the female, xiiii) then the lord of whom the lande is holden shal have of the heyre reliefe.

¶ Note ye þe al Erles barons oꝝ any other the kynges tenantes holdynge of hym in chiefe by knyghtes seruyce dye and at þe tyme of his deth his heyre be of full age that is to say. xxi. yeres he ought to pay the olde reliefe foꝝ his inheritaunce, þe is the heyre oꝝ heyres of an Erle foꝝ an hole Erledome one hundredth ponde. The heire oꝝ heires of a Barone foꝝ an hole barony one hundred markes. The heyre oꝝ heyres of a knyght one hundredth myllinges and he þe hath lesse, shal gyve lesse accordynge to the olde custome.

Value of
marriage.

Double
value of
marriage.

One shall
nat be
warde by
nyng his
father.

Reliefe.

E. liii. some

Scruyce of castell garde.

Some of fees, lyke lawe is obserued of al othe
that holdeth of any other ther lordes immedi
ate vt supra.

Also a man may holde landes of a lord by
two knyghtes fees, & tha þ heires beyng of th
age at the deth of his auncestours, shal paye
his lord for relsefe. x. poundes.

Scruyce of castle garde.

Ye shall vnderstande þ a man may hold
by knyghtes scruyce and yet not hold
by escuage. nor shall pay an escuage, fo
he may holde by castell garder, that is to say
by scruyce to kepe a towne of hys lordes cast
or some other place, vpon a reasonable war
nyng, whan hys lord hereth that ennemy
wyl come or be all redy come into Englande.

Grande in
the lawe.

This scruyce is also knyghtes scruyce, an
draweth to it warde maryage and reliefe, a
in all cases the comon knyghtes scruyce doth

Of grande sergeantie.



There is also another kynde of
knyghtes scruyce, whiche is cal
led grande sergeantie, that
where a man holdeth his land
or tenementes of the kynge
suche service as he oweth in p
per pson to do, as to beare the baner of our se
ueraygne lord þ kynge or his spere, or to co
ducie his hoste, or to be hys marshall or to be
the sewar, caruer, or butlar at the feaste
the coronayon, or to be one of the cham
berlaynes of the receypt of hys eschequer, or
to do lyke scruyces to the kynge in proper per

son

Thene, suche maner of seruyce I say, is called
grande sergeantie, that is to saye a great or
hygh seruyce, and the cause why it is called, byghe ser-
is bycause it is the mooste honozable and mooste uyce.
worthy seruyce that is, for he that holdeth by
escuage is nat appoynted by hys tenure to do
any other moze speccall seruyce than another
is bounde & holdeth by escuage, but he that hol-
deth by grande sergeantie, is bounde to do some
speccall seruyce to the kynge.

Also yf he that holdeth of the kynge by
graunde sergeanty dyeth, his heyre beyng of **Relief of**
full age, than the heyre shal pay to the kyng for the tenant
reliefe, nat onely. &c. as he that holdeth by es- by graund
cuage shal do, but mozeouer the clere perely va sergeantie
lue of those lādes & tenemētes which he so hol-
deth of the kynge by graunde sergeantye.

Furthermoze ye shall obserue that in the
marches of Scotlande some men holde of the **Tenure**
kynge by coynage & is to saye, by blowynge of by coyn-
an horne to rhintent to warne the men of the nage.
ctrey when they heare that the Scotres or o-
ther theyr enemyes be commynge or be alre dy-
entred into Englande whiche seruice is also a
kynde of grande sergeantye.

Grande sergeantie therfore is as muche to **Diffinitio**
saye in Latyne, as magnum seruitium, that is of ser-
to say, a greate or hyghe seruyce, lyke as petite geantie.
sergeantie is called paruum seruitium, that
is to saye: a lytle or small seruyce.

But to reuert agayne to the matter ye shal
note yf any tenant holdeth of any other lord
thā of & kynge by suche seruice of coynage, thē
it is no graunde sergeantie but yet neuertheles it
is knyghd seruice, & draweth to, li warde mas
C. v. page

Petite Sergeantie.

Rule in
the lawe.

ryage and reliefe for this is a rule infallible none can holde by grante sergeantye but of the kynges owne maiestye.

Finally ye shal vnderstande, þat al they whiche holde of the kyng by this seruyce called graunte sergeantie do holde of the kyng by knyghtes seruyce, and by vertue of this tenure the knyght shall haue of the warde maryage & reliefe, but escuage yet he shall nat haue of the onles the kyng holde by escuage of him by expresse and spede wordes.

Petite sergeantie.

Petite
sergeantie
is socage
in effecte.

Tenaunt by Petite sergeantie is he þat holdeth his lande immediatly of our soveraigne lord the kyng by this manner seruyce, to paye to the kyng perely eche yere a Bowe a Spere, a Dagger, a payre of Gaules, a payre of Spores of Gold, a Shalme, or suche other small thynges appertayning to the warre and this seruyce is in effecte but socage, bycause that suche a tenaunt is bounde by his tenure to go ne do any thyng in his owne pper persone touchyng þat warre but onely to rendre and paye perely certayn thynges to the kyng, as a man ought to paye a rēt. Wherefore this seruyce of petite sergeantie is no knyghtes seruyce, but yet ye shall note that a man can not holde neyther by petite sergeantie, neyther by graunde sergeantie, but of the kyng onely.

Homage auncestrell

Tenaunt by homage auncestrell is he whiche holdeth his lande of his lord by homage, and both he and his auncestours whose he

Homage auncestrell. Fol. xxviii.

he is haue holden the same lande of the sayde
Lorde & of hys auncestours tyme out of mynde
by homage and haue done vnto them homage
and this is called homage auncestrell, by rea-
son of the longe continuance whych hath ben
by tyle of prescription as well concernynge
the tenauncy in the bloude of the tenaunt, as
concernynge the lordeshyppe in the Lorde. And
this seruyce of homage auncestrel draweth vn-
to it warrantye (that is to saye) yf the Lorde
whych is now in lyfe hath ones receyued the
homage of hys tenaunt, he ought to warrant
the same tenaunt, what tyme so euer he shalbe
impleaded or sued for suche lande so holden of
hym by homage auncestrell.

Warrantye
by cause
of ho-
mage aun-
cestrell.

Wherfore suche seruyce of homage aunces-
trel draweth to it acquital, that is to say, the
lorde ought to acquyte the tenaunt against all
other lordes that can demaunde any maner of
seruyce of the tenauncye.

Acquital.

Wherfore yf in thys case the tenaunt which
holdeth by homage auncestrell be impleaded of
hys landes, and vouched or calleth hys Lorde
to warrantye, who cometh in by processe and
demaundeth of the tenaunt what he hath to
bynde hym to the warrantye, and the tenaunt
sheweth howe he and hys auncestours, whose
heire he is, haue holden his landes of him & of
his auncestours tyme out of mynde. surely the
lorde yf he can nat deny this, and yf he hath re-
ceyued the homage of suche a tenaunt, is bounde
by the lawe to warrant him his lande, so yf
the tenaunt lose his landes in defeaute of y^e lord
thus vouched, that is to saye, called to warrant-
ye, he shall recouer agaynst hym, so muche in
value

Voucher.

Of liveryes.

**Disclay
me.**

value of those landes and tenementes whiche the lord had at the tyme of callinge to tyme or at any tyme after. But yf the lord receyved þat homage of his tennant, then he may very well when he is thus vouchyd disclayme in the lordshipp or seignorie, & so put out the naunt of hys warrantye. Where ye shal see that in every case where the lord disclayme his seignorie in court of record, hys seignorie or lordshipp is extincte, & the tennant shal have fro thensforth of the nexte lord to hym thus disclaymed.

¶ Thus ye perceyve that homage auncestre is nat but where as is a longe cōtynuaunce, wel in the blode of the tenant in respect of tenancy, as in the blode of þat lord in respect of his seignorie. Wherefore yf the tennant do ones alene his landes to another, although purchase the same agayne, yet he shal nat be any longer by homage auncestrell because this discontinuance, but shal hold it now the volgare and accustomed homage.

Of liveryes.

**Tennant in
chiefe of
the kynge**

**Primer
Seal.**

When one dyeth whiche helde of þat lord by knyght service in capite, that lord shal in chiefe, his heyres being wyth age, the kynge (as is before declared) shal have the warde and custodie aswel of the lādes as of the body that is to wyte the mariage yf he be unmarried. But yf the heyre be of full age at tyme of þat death of such auncestour, yet shal the kynge by hys prerogative royall have ppyr season of all the landes tenementes and other

hereditamentes wherof such his tenaunt was sealed in hys demene as of fee. And yf such an heyre woll entree into his landes when he cometh to his full age before he sue his lyuerpe & receyue seyllyn by the kynge, no free holde shall accrewen nor growe vnto him but he shalbe deemed an intruder in the kynges possession. Yea and yf he dye so seised in the meane tyme, hys wyfe shal haue no dowre of suche lādes, wherfore it toucheth in any wyse þ̄ such heyre as wel male as female cōpunge to full age before he or she entree into theyr lande to sue lyuerp. The manner and forme wherof accordyng to the acte of parlyament lastly promulgated and set forth I intende bryefely to receyte.

Intruder
of the kyn
ges pos-
session.

Eowe heyres ought to sue theyr lyuerpes,
inacted. xxxiii. Henrici. viii.

Cap. xxi.



No person or persones hauynge landes or tenementes aboue the yerely value of. v. li. shall haue any lyuerpe before inquisition or offyce founde before theschesour or other cōmissioner by vertue of þ̄ kynges wyrite of diem clausit extremū or cōmissiō directed out of þ̄ chauncerye or others courtes hauynge authoryte to make such writte or cōmissiōs, which shal not passe oute of the same but by warrant or byl assygned & subscribed by þ̄ mayster of þ̄ wardes or liueries, þ̄ surreyour, atturney & receyuour of þ̄ sayde courte or. iii. ii. or one of them to be directed and deliuered to the Chaunceler of Englande, or to any other

Wyrite of
diem claus
sit extre
mam.

Of lyuerpes.

other chaunceler or offyccer haupnge power
awarde suche wytties. And for the wyttie
sealyng of the same shalbe payde the appoynted
fees. But yf the lādes excede not the properly
value of. v. li. the they shal pay for the
of every such wyttie or cōmissiō. vi. d. & for
wyttynge syxe pens, and not aboue.

¶ And the inquisitiōs and offycces heretofore
on founde shalbe returned by the sayde
tours or commissioners in to the same
from whence the wyttie or cōmissiō was
warded, whiche done, the clerkes of the
bagge shal receyue the same offycces and
a transcripte therof to the sayd Mayster
wardes & lyuerpes. And the the sayde
and the surueyours attourney and general
uour, or. iii. of them wherof the mayster or
ueyours to be one, shall couenaunt and
with suche persones for they lyuerpe of
stelles, manours, lordshippes, landes tenements
and hereditamentes cōpysed or not cōpysed
in suche offycces, and shall make and set the
and pryce for the same, and appoynt the
of payment therof by obligatiō to be takē
the same to the kynge.

¶ And every byll for any sperryall or
lyuerpe assigned by thandes of the sayde
ster, surueyours, attourney, receyours or
the, wherof the mayster or surueyours to be
shalbe warrant sufficient to the lordes Chaunceler
or other offyccer haupnge power to pay
uerpes vnder any of the kynges seales
dynghly. In whiche case the clerkes of the
bagge, or others clerkes by whom the lyuerpes
be wyttien shal receyue a swel for the same

For others such fees as hathe bene accustomed.

Item euery person may sue at his pleasure **General**
a general lpuerpe for any manours, landes, re- lpuerpe.
mentes, rentes, reuerfions, remainders, or o-
ther hereditamentes wherof the clere perely
value shall nat excede. xx.li. Houded that an
offyce be therof founde and a warrant fyfte
obayned of the sayd mayster and others as is
aforesayde.

And where such general lpuerpe is sued, yf
the landes excede the perely value of .v.li. they
shall pay for the Seale xx.s. iiii.d. and al other
fees accustomed as afterwarde shalbe declared
But yf they excede nat the perely value of .v.li.
they shal pay but these fees folowynge, that is
to say, for the seale of the lpuerpe. xii.d. To the
clerkes of the petre bagge for the wrytynge &
the inrollynge. xx.d. For the respyte of the ho-
mage in the Banapar eyght pens. To the lord
greate Chamberlayne twenty pens. To the
maysters of the Rolles. xx.d. And to the clerke
of the lpueries for the warrant and inrollynge
of the lpuerpe. xx.d.

Item no person or persones shall paye in
theschequer or any other courtes for y respecte **Respyte**
of homage for any lades or hereditametes nat **of homa**
excedynge the perely value of .v. ponde, aboue **ge.**
eyght pens. And for the entrynge therof and
warrant of attorney aboue. iiii.d.

And the value of suche landes and here-
ditamentes nat excedynge the perely value of.
xx.li. shall be taken as it is lymytted in the of-
fices founden therof except by the examinaciōs
and certificat of the sayd mayster surueyore,
attorney, & receyuoure, or thre of the, as it shall
otherwyse

Of liveryes.

otherwyle appere and be declared in any of
kynges courtes.

**Payne of
forfeiture.**

¶ Also no Escheatour shall fynde onely
vertue of hys offyce for inquire of the
tytle or value of any landes or other heredi-
mentes holden of the kyng beyng of þe
value of .v. li. or aboute without the kyng
wryte to him directed vpon payne to forsa-
ke .v. li. for every tyme he shall so do. Neþer
he take for the fyndyng of any offyce of li-
nat excedyng þe yerely value of .v. li. aboute
s. that is to saye .vi. s. viii. d. for his owne
And iii. s. iiii. d. for wrytyng of the offyce.

**Fees of
an office.**

¶ And for the charges of the lury .iii. s. d.
for the officers that shall receyue the offyce
any court of recozde .ii. s. vpon payne that
eschetour wyng otherwyle shall for every
forfayte .v. li. And vpon lyke payne the offy-
of every court of recozde where suche in-
quisitions shall be retourned, beyng offered vnto
within one moneth nexte after þe fyndyng
of, shall receyue the. The one moite of al
forfaytures to the kyng, and the other to
type that will sue for the same. &c.

¶ And they which hereafter shall be in cal-
sue liverye whose landes and tenementes
cede nat the yerely value of .v. li. may lawfully
sue forth theyr generall liverye by warrant
fro the sayd courtes as is afore sayd, althow
none other inquisition be therof had nor
fred, payenge neuertheles the fees before
byed.

¶ Finally every person shall sue forth his
tent for his livery within thre monethes
after the assignement of his byll, or els by

assign

assignes to be voyde and of none effecte.

Wherafter ensucth the fees accustomed of the general lpuerpes .

Fyrste to the clerkes of the petty bagge for the respecte of homage and sealte the wrytyng and inrollynge xlii. s. ii. d. To the lordz greate Chamberlayne xl. s. To the mayster of the rolles .iii. li. To the clerkes of the lpuerpes for wrytyng of the Indetures & obligaciōs .xx. s. besyde counsell .

The fees of the specyall lpuerpe accustomed to be payde be these folowynge that is to say for the Hygnet .iii. li. x. s. for the priue seale xxx. s. for the greate seale. xlii. s. viii. d. To the clerkes of the pettye bagge .xl. s. To þ mayster of the lpuerpes clerke .xl. s. for the enrolment of the knowledge of thendeture. xii. s. To þ lordz great chāberlayne of Englāde. xl. s. for þ wryt of allowaūce for the same lpuerpe .x. s. vi. d.

And note ye that sometyme in spectall cases the fees be moze and somtyme lesse as the case and matter doth require.

Uptherto haue we brievely touched all kyndes of knyghtes seruyce, and thynges incident to the same. Nowe wyl we with lyke bryefnes declare hother kides of seruyces which cōmonly be cōpiled vnder the generall name of socage For every lande or tenementes epyther it is holde by knyghtes seruyce, or elles it is of socage tenure or at the leest way of the nature of socage tenure, which in effecte is all one.

Wherfore fyrste we shal defyne what Socage is in the proper significacion, whiche done, we shall peruse þ other kyndes of seruyce whiche be of the nature of Socage tenure .

What socage in tenure is:

Of socage.



Socage is properly where the tenant is bounde to come to the lord's socke, & is with his plow to eare and sowe parcell of the demene landes of his lord whiche seruice in ancient tyme was very common, but now by the mutual consent bothe of the lord and of the tenant it is converted for the moste part into a rent. Howe be it the name of socage abyde styll. Wherfore now all that is nat knyghts seruice is called by the name of socage.

So that yf a man holdeth by fealtye or by fealtye and homage for all manner seruice, it is but socage tenure for homage alone maketh nat knyghts seruice, yea yf a man holdeth by escuage certayne, as I haue sayd heretofore, he holdeth in effecte but by socage.

Nowe where a man holdeth his land by socage & dyeth, his heire beinge within the age of .xiiiij. yeres, the lord shal nat haue the ward but the next of kynde to the heire to whom the heritage can nat dyscende shal haue the ward and wardeshyppe as well of the lande as of the heire, tyll the heire come to the age of .xv. yeres, and suche tutor or gardeyne is called by the lawe den in socage, and shal redre accomptes to the heire of the issue and profytes that he receyued of the landes durynge suche tyme, deductynge his resonable costes and expens so that he shal nat haue the wardeshyp to his owne vse and profyte as the lord whiche gardeyne in chivalry hath. And in case the ward den in socage dyeth before he hath made accompte the heire is without remedy by the lawe.

Garden
in socage.

no wynt of accompt lyeth agaiſte the executours
but for the kynge onely.

Eſynally ye ſhall vnderſtande that whan te-
naunte in ſorage dyeth, the Lord of who the
lande is holde ſhall haue reſpeſe, that is to ſaye
the value of the rent that is perly due vnto him
of the tenauncy, beſyde the perly rent, ſo that in
effecte after the death of hys tenaunte he ſhall
haue of the heyre.ii. rentes ſaue that for the re-
liefe, he maye diſcreyne for the with, but for the
accuſtomed rent he can nat diſtrayne tyll the v-
ſuall day of payment be come.

Rente.

Diſtres.

Franchke almoyne.



Enaūt in frācke almosne
that is to ſay, in fre almiſ-
ſe is where a Biſhōpe,
Deane, or any other eccle-
ſiaſtical perſon holdeth of
his lord in pure & perpe-
tuall almes & ſuch tenure
began fyrſte in olde tyme,
after thys maner. Whan

The firſte
foundaciō
of franch
almoyne.

a man was ſeaſed in auncēt tyme of certayne
lādes or tenemētes in his demene as of fee and
of ſ ſame tenemētes enſeoffed an Abbot, & hys
couent or a Pryor and hys couent, or any o-
ther perſone eccleſiaſtical, as a Deane of a Co-
lege, Maſter of an hoſpitall, or ſuche lyke to
haue and to holde the ſame landes to them and
to thyr ſuccellours for euer in pure & ppetual
almesſe, or in franch almes, in theſe twocales
ſ tenemētes ſhuld be holdē in frāke almoyne.

Wy force of which tenure they that holde in
Franchke almoyne after this ſorte be bounde of

Of Socage.

What socage in tenure is:



Socage is properly where the tenant is bounde to come to the lord's socke, & is with his plow to eare and sow parcell of the demene landes of his lord, whiche seruice in auncient tyme was very common, but now by the mutual consent bothe of the lord and of the tenant it is converted for the moste part into a pecuniary rente. Nowe be it the name of socage as before sayd. Wherfore nowe all that is not knight's seruice is called by the name of socage.

So that yf a man holdeth by fealtye or by fealtye and homage for all manner of seruice, it is but socage. tenure for homage alone maketh not knight's seruice, yea yf a man holdeth by escuage certayne, as I haue sayd heretofore, he holdeth in effecte but by socage.

Nowe where a man holdeth his land by socage & dyeth, his heire beinge within the age of xiiii. yeres, the lord shall not haue the land, but the next of kynde to the heire to whom the heritage can not dyscende shall haue the land and wardeshyppe as well of the land as of the heire, tyll the heire come to the age of xiiii. yeres, and suche tutor or gardeyne is called by the lawe den in socage, and shall redde accomptes to the heire of the issue and profytes that he hath receyued of the landes durynge suche tyme, deductynge his resonable costes and expences, so that he shall not haue the wardeshyppe to his owne vse and profyte as the lord whiche gardeyne in chivalry hath. And in case the tenant in socage dyeth before he hath made accompte the heire is without remedy by the lawe.

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Diſtres.

Franchke almoyne.



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that is to ſay, in fre almiſ-
ſe is where a Biſhoppe,
Deane, or any other eccle-
ſiaſtical perſon holdeth of
his lord in pure & perpe-
tuall almes & ſuch tenure
began fyrſte in olde tyme,
after thys maner. Whan

a man was ſeaſed in auncient tyme of certayne
landes or tenementes in his demene as of fee and
of ſame tenementes enfeoffed an Abbot, & hys
couent or a Wyke and hys couent, or any o-
ther perſone eccleſiaſtical, as a Deane of a Co-
lege, Maſter of an hoſpittall, or ſuche lyke to
haue and to holde the ſame landes to them and
to theryr ſuccellours for euer in pure & perpetual
almelle, or in francke almes, in theſe twocaleſ
& tenementes ſhuld be holde in franke almoſne.

By force of which tenure they that holde in
Franchke almoſne after thys ſorte be bounde of

The firſt
foundaciō
of franck
almoyne,

Frankes almoyne

**Tenant in
franke al
moyne
shal do no
fealte.**

**Tenant
by diuine
seruyce.**

**Distresse
for diuine
seruiſe.**

ryght befoze god to make orisons & prayes
celebrate masses & to do other diuine seruyce
for þe soules of theyr graunters and feowes
for the soules of theyr heyyes whych be due
for the prosperous estate of theyr heyyes
now alpyue. And bycause of right they be
to thys dryvne seruyce, they be dyschargid
the lawe to do any other prophane or comyn
seruyce, as fealte or suche other lyke.

But neuerthelesse yf such as holde theyr
nementes in franke almoyne do omitt
vndone these dryvne seruyces wherunto
be boude befoze god, the lord can nat distr
them, ne yet compel them by any other mea
by the course of the common law, but the
ly remedy is to complayne of them to the
dinary, who of ryght ought to compel su
ecclesiastical personnes to do the deuine ser
due as aforeseyde.

But here ye shall note that yf a person
a churche or any other ecclesiastical perso
holdeth of his lord by certayne dryvne se
ce to be done, as to syng masse every fry
in the weke. Or placebo and dirige, or to h
a preeſt to syng masse or to distribute in al
pens to a hundred men at such a day
these cases yf suche diuine seruyce be vnde
the lord may very well dyspayne, bycause
seruyce is put here in certayne.

Nowe I sayde, that yf in olde tyme a
dyd infesse suche ecclesiastical pson after
soyt, he shulde holde hys landes in franche
moyne, but at this daye it is otherwys, for
the reason of a statute called, Quia empti
terrarum. westm. iii. cap. i. No man can ab

we graunt landes or tenementes in fee symple
to holde of him selfe, so that now ye a man be
ynge leased of landes in fee symple graunteth
the same by lycence to an ecclesiasticall person
in francke almoyne these wordes francke al-
moyne be boyde, and the ecclesiasticall person
shall holde them immediatly of the lord of the
feoffor by the same seruices þ the feoffor helde,
so that no man can holde in francke almoyne,
but by force of a graunt made befoze the sayde
statute, onely the kynges maiestye excepted, for
he is out of the compasse of the statute.

¶ Finally, ye shall note that where as a man
holdeth in francke almoyne, his lord is bounde
by the lawe to acquite him of all maner of ser-
uice that any other lord can haue or demaunde
out of the sayde landes.

¶ That ye he doth not acquite him but suffre
him to be distreyned, thā he shall haue agaynst his
lord a certayne wytte, called a wytt of meane
which shall recouer agaynst him his damages & co-
sts of his sute.

Wytt
meane.

¶ Of burgage.

A Tenure in burgage, is where an auncient
boroughe is, of which the kyng is lord
and the whiche haue tenementes wyth
in the same boroughe holde the same of þ kyng
payenge a certayne yerly rent, which tenure, in
effecte is but socage tenure. Aþerwyse it is,
where as any other lord spiritual or temporal
is lord of suche boroughe.

Socage
tenure.

¶ Here ye shall note that for the moste parte
such auncient boroughes and townes haue by
their customes & vsages whiche other townes

Custom.

have

Of burgage.

have not. For some broughes haue a custome that the yongest sonne shall inherite before the eldest, whiche custome is called comonly by the Englyshe.

**Dower
by custo-
me.**

Also in some broughe by the custome a woman shall haue for her dower al the land and tenementes wherof her husbande was seall at any tyme duringe his matrimony & conuene.

**Deuylse
by custo-
me of
broughe.**

Moreover in some broughes a man may bequeath and deuylse his landes or tenementes by testament at the tyme of his death, and for the force of suche deuylse or legacy, he to whom bequeste was made, after the death of the testour which made suche testament may by force of this auncient custome entre into the land so to him bequerthed or deuylsed without any tery of lease to hym made or further comynge of lawe.

Howbeit howe and in what maner a man may at this daye deuylse his landes by his will and testament by force of a certayne statute, it shall be here after declared.

Byuers other customes in Englande that be contrary to the course of the common lawe whiche yf they be any thyng prouable & stande with reason are good and effectual, notwithstanding they be agaynst the common lawe.

And note that no custome is allowablee suche custome as hath been used by tittle of prescription or tyme out of mynde.

Of byllinage or bonde seruyce.

A Tenant in byllinage is properly called a byllayne, that is to saye, a bonden holdeth of his lord, whose bonden

he is, certayne landes or tenementes, according to the custome of the Manoure, or otherwysse at the wyll of his Lorde, and do to his Lorde byllayne seruyce, as for to beare and to carye the donge of his Lordes out of the Cytie, or out of his lordes Manour, and it lay to vpon the demane landes of his lorde, or to do such lyke seruyce and byllayne seruyce. Howe be it free men in some places holde theyr tenementes and landes of theyr lordes by custome, by such sort of seruyce, and theyr tenure is called tenure in byllynage, and yet they them selues be no byllaynes ne of seruyce condicion but freemen. For þe lorde holde in byllenage maketh nat þe tenant a byllayne, but contrary wyse a byllayne may make free lande to be byllayne lande vnto his lorde. As yf a byllayne purchaseth lande in fee simple or in fee tayle, the lorde of the byllayne may entre into the lande so purchased by his bondman and put hym & his heyres out for euer, & this done, the lorde yf he wyl may lease the same lande to his byllayne to holde of hym in byllenage.

And here ye shall vnderstande, that seruytute or byllynage is the ordinaunce, nat of the lawe of nature but of that law, which is called Jus gentium, by which a mā is made subiecte contrary to nature, vnto another mans domination. For he that is a byllayne or bondeman, eyther he is so by tytle of prescription, that is to say, he and his auncestours haue bene byllaynes tyme out of mynde, or els he is a byllayne by his owne confession in courts of record. so þe all byllaynes eyther they be bozne byllaynes, or elles they be made so. They be

Of byllenage.

bozne byllaynes when theyr father beyng
bonde man him selfe begetteth them in law
wedlocke, eyther of a free woman oz of a
woman for so that the father be boude, the
sue of hym lawefully begotten muste nedes
bounde by the lawes of Englande, hauing
regarde to the condicion of the mother, wh
as in the cyuill law of the Romanes it is th
contrarye. For there, *partus sequitur matrem*
that is to saye: the seruitude oz bondage of
mother maketh the chyldre bounde and nat
bondage of the father. Howe be it the basta
sonne of a bondeman shall nat be boude
reason is bycause a bastarde is, *Nullius filius*
in the lawe, that is to saye no mans sonne.
¶ They be made bondemen oz byllaynes by
wayes, eyther by theyr owne proper acte,
when a free pson beyng of full age wyl
into a courte of recorde, and there confesse
selfe bounde to another man.

¶ Or els by the lawes of Armes called, *captiuitas*
getitium: as when a man is taken prisson
warres, and is compelled to serue and becom
the thral and bondman of hym that toke by
the lawe calleth suche person a byllayne
is to saye a slaue and thral.

¶ And ye shall note that byllaynes be prop
ly called in Laryn *serui*, bycause that whē
on of byllayne. be takē in warre, the captaynes be wont nat
kill them, but to sell them, and so to saue th
lyues, so that they be called *serui* a seruand
is to say of saupnge. They be also called *cap*
capia, a manu capiēdo, bycause that they
ken by hande and power of theyr enemyes.

¶ Howe as I sayde by the lawe of nan

we are all bozne free, but after that by the law of Gentilitie, seruitude or bondage byd presse and inuade the worlde, that ensued the benesfite of manumission. Manumission is quasi de manudatio, that is to saye a gyuyng out of the hande or power. For so longe as a man is in bondage and seruitude, he is subiecte to þ hande and power of another and whan he is manumitted he is made free and deliuered fro the sayde power, so that a manumission is nothyng elles than an enfranchysment that is to saye, a wytyngge testifyenge that the Lorde hath enfranchysed his vyllayne and all his of spyngge and sequell.

Manumission.

¶ Also yf the lorde maketh to hys bondeman an oblygacion of a certayne sūme of money or graunteth to him by his orde an annuallie or yerely penyson, or leaseeth to him by dede lādes or tenementes for terme of yeres, any of these actes do imply an enfranchysment.

What actes maketh manumission in lawe.

¶ Lykwysse yf the Lorde makethe a freofement to his vyllayne, and maketh vnto him query of seisin, this also is an enfranchysment and secret manumission. Wyfely to speake, where soeuer the Lorde cōpellet his vyllayne by the course of the lawe to do that thyng that he myght otherwysse enforçe hym to do or to suffre wythout the auctoritey and compulsion of the lawe, he doth by implicatiō enfranchise his vyllayne, as yf the Lorde wyll hyngge as gaynste his vyllayne an acepon of det, an accō of accompt, of couenant or of trespass, these & suche lyke be in the eye of the lawe enfranchysmentes & manumissions, bycause þ the Lorde in all these cases may haue the effecte and pur

Cause of enfranchysment

Of vyllenage.

pose of his suite (that is to saye) the goodes, tels, and correction of his bondmen without compulsion of that law euen by his owne power and auctoritie which he hath vpon vyllayne. But yf the Lord dothe sue his vyllayne by an appeal of felonye, the vyllayne ynge lawfully endyted of the same before th is no tacyte manumission or infranchisement for the Lord though he haue power to buye his vyllayne and to spoyle him of his goodes yet he can nat by the law of this realme put him to death.

¶ Ye shall also vnderstande, that yf a man bondman purchased landes or acquyte and vnto him any other thyng the Lord may take with entre, and cease the same into his owne handes. Wherefore yf the lord will bynyng gaynst his vyllayne a *Preceptum de redditu*, whych he demaundeth agaynst his vyllayne landes or tenementes, this implyeth an infranchisement, for as much as he byndeth him to the prescript and auctorite of the law whiche as he myght vse his owne auctorite, by trynge and seasinge the sayde landes.

Distinction.

¶ Finally ye shall marke that some vyllaynes be called vyllaynes in grosse, and other be called vyllaynes regardant. In grosse they of which the lord is senerall seased, not by reason of any lordeshipp or maner, they be called regardant whiche do belonge to a manoure, or whiche the Lord is seased, the sayde vyllaynes haue bene regardant, that is to saye, expectant and attendant tyme of mynde to the Lord of the sayde manour doynge vnto hym suche seruyces as to a

Vyllayne in grosse.

Vyllayne regardant.

De auncien demene.

There is also a certayne kynde of tenure
whiche is called auncien demene, & that
tenauntes whiche holde by this serapce
be free holders & holde by charter & not by co-
py of court rolle, or by the verge after the cus-
tome of þ manour at the wyl of the lord. And
these tenauntes be suche as holde of those Ma-
nours which were saynt Edwardes the kyng
or which were in the hādes of kynge Wyllyam
the conquerer, and these Manours be called
the auncien demesnes of the kyng or the auncien
demesnes of the crowne of Englande. And to
such tenauntes which holde of such manours be
many and diuers lyberties gūen and graūted
by the lawe, as to be quite of rolle & passage &
suche lyke impositions which be demaūded of
men for theyr goodes & catels solde or boughte
in fayres and marketes by thē, also to be quyte
and free of taxes and tallage graūted by par-
lyamēt, except that the kynges maiestie do take
auncien demene (as to him only appertaineth)
whan he thynketh good for great and vrgen
considerations. Tenantes also of auncien de-
meane ought to be quite of paymentes to ther-
pences & charges of the knyghtes whiche come
to the parliament, also they ought not to be im-
panelled nor put in iuries and inquestes in the
cōtrey out of theyr mansur or seignorie of aū-
cien demeane for the landes whiche they holde
of suche manour, onles they haue other landes
at the common law for which they ought to be
charged. And yf suche tenauntes or any of the
whyche

Of auncient demene.

whiche holde of the Manour of auncient demene be distrayned to do vnto theyr lord or seruices or customes then they or theyr assigns haue vbled to do, then may they sue a tayne wytt called Monstrauerit directed to lord, commaunding him that he distreine the not for to do other serayces or customes th they haue ben accustomed to do.

Wytt of monstrauerit.

¶ And for further knowlege hereof ye sh vnderstande that in the Eschetour there is boke called Domesday which boke was made in the tyme of the sayd saynt Edward. In all the landes whiche were in the seisin and the handes of þ sayd saynt Edward at þ the of the makynge of the sayd boke be auncient demene. But the landes which the were in other mens handes though they be wytten in þ sayd boke, be franke fee & no auncient demene.

Franke fee.

¶ Finally it is to be noted, that tenants auncient demene shall nat be impleded for the sayd lades out of the manour whereof they holde, and yf they be, they may shewe the iuror and abate the wytt. But yf they ones iure to the wytt, and iudgemēt gyven, then the landes haue losse the nature & benefyte auncient demene, & are become franke fee, that is to say, pleadable at the comon lawe for more. And thus haue we spoken of þ diuers of tenures.

Abatement of the wytt.

Of rentes.

For asmuche as vpon every tenure there is comonly reserued one rent or other for I thynke it good somewhat to say of rentes. But ye must vnderstande that the

be sundry sortes of rentes. There is one kynde of rent whyche is called rent seruice. Another which is called rent charge, & the thyrde which is named in french rent secke, that is to saye in Latyn redditus siccus, a drye rent. Nowe rent seruice is so called bycause it is knyt to the tenure and is as it were a seruice, wherby a mā holdeth his landes or tenementes, or at lest way when þe rentes vnscurably coupled and knyte wyth the seruice, as for an example, where the tennaunt holdeth his lāde of the kyng or of any other lord, by fealte and by certayne rent or by homage, fealtie and certaine rent, or by any other sortes of seruices & by certayne rent, thys rent is called rent seruice. And here ye shal note that: yf this rent seruice be at any tyme when it ought to be payde, behynde and vnpayde, the lord of whome the lande or tenement is so holden, whether it be in fee symple, fee taylor for terme of lyfe, for yerres or at wyll, may of comon ryghte entre and distrayne for the rente, though there be no mencion at all, ne clause of dystresse put in the dede or lease. I sayd before that þe nature of this rent seruice is to be coupled and knyte to the tenure. For where no tenure is there can be no rent seruice. And therfore, yf at thys day I be seised of landes of fee symple, and make a dede of feoffement of the same to another in fee symple, reseruyng by þe same dede a rent, this can be called no rent seruice, bycause there can be now no tenure betwene the feoffour and the feoffee. Otherwyle it is of feoffementes in fee symple, made before the statute of Westmester the thyrde. Cap. i. called *Quia emptores terrarū*. For before þe ma-

kyng

Distinction
of rent
seruice.

Dystresse
of comon
ryght.

Of rentes

kyng of that statute, yf a mā had made a feoffment in fee simple, reseruyng to hym a certayne rent, yet though it had bene withoute here had ben begonne & created a newe tenure betwene the lessour and the lessee, and the lessee shoulde haue holden of the lessour, who by the vertue of the same myght of comon ryght hath bene restrained for such rent. But at this day by the force of the sayd acte, there can be no suche holdynge or tenure created or begonne, and consequently no rent seruyce can be at this daye reserved vpon any gyfte in fee simple, except it be in the kynges case, who beinge chiefe lord of all right and may gyue lādes to be holden of hym. Thus yf se, that at this day, no subjects can serue any rent seruyce vnto hym onles the reuercion of the landes or tenementes that he graunt, be still in hym, as where he graunt them in fee taylor, or maketh but a lease for terme of lyfe or for certayne yerres or elles at will. For in all these cases the reuercion of the lande simple remaineth still in hym, and therfore here be any rent reserved, it is to be called a rent seruyce, and is of comon ryght distraynable though there be no clause of distresse in the lease or feoffment or lease.

¶ But here ye will aske me, whan in the case before remembred, a man at this daye gyfte cleane awaye the lande or tenemente from hym selfe in fee simple, so that there is no maner reuercion of the same remainynge in hym, and yet neuertheles reseruethe vnto hym by dede a certayne rent what maner rent shal it be called? I answer, yf there be in the dede inserted any clause of distresse, that is, that

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rente be behynde vnpayde, it shal be lawfuf for
the lessour to entre and to distrayne, it is called
a rent charge, forasmuche as the lande is char- Rente
ged therewith, but howe of comon ryght & no, charge.

¶ But on the othersyde, yf there be no suche
clause of distresse put in the indenture, than
the rent so reserued shalbe called a rent secke.

¶ Otherwyle, yf a man that is seased of cer- Rēt seck
taine landes, wyl graunt epyther by indenture
oz by his dede polle that is to say synple & nat
indented, a yerly rent out of the same landes to
another whether it be in fee synple, fee tayle,
for tyme of lyfe, for yeres oz at wyl, with clause
of distresse, than this rent is called a rēt charge
and he to whom such rent is graunted may for
defaute of payment therof, entre and distrayne
But contrarely yf the graūt be made without
any such clause of distresse, it is called rēt secke
that is to say a dyce rent, bycause he can nat
come to it in case it be denyed, by waye of dis-
tresse in so muche that yf he were neuer seyled
of it, he is by þ course of the comon lawe with
out remedye Otherwyle it is of a rent charge
for here he to whom the graunt is made, when
the rent is behynde may chose whether he wyl
sue a wypte of annuite agaynst the grauntour Annuite.
oz distrayne for the rent behynde, & retayne the
distresse tyl tyme he be payed accordyngly. But
he can nat haue bothe remedies togyther but
muste take hym to the one, for yf he ones rec-
uer by a wypte of annuite, then is the lande dis-
charged. And yf he sue nat his wypte of an-
nuite, but distrayne for the arrerages, and the
tenant sueth a repleyn, where vpon the other Repleyn,
anoweth

Of rentes.

Exempl. knoweth the takinge of the distresse in con
of recorde: then is the lāde charged and the
son of the grauntoure discharged of the ann
of annuite.

Exempl. Ye shall also vnderstande, þ yf a man
that another shall haue a rent charge com
out of his lande, and yet wyl nat that his
son shall be any meanes charged by wyte
nuite, he may than haue such clause in the
of his dede. *Provisio q presens scriptum*
quicq in eo contentum vilo pacto se exten
ad onerandā personam meam per breue in
cionem de annuitate, sed tantummodo vi
ad onerandum, terras, fūdos et tenementa
de annuo redditu predicto. If this or such
cause be added, then the lande is charged
the pson of the grauntour is discharged.

Also yf a man wyl make a dede of gr
in this wyse, that yf Iohn at Style be na
ly payde at the feast of Chyrtmas for ten
his lyte .xx. myllinges sterlyng, þ then it sh
lawfull for þ sayd Iohn at Style to distre
for it in the Manour of Dale, thys is a
rent charge, bycause the Manour is cha
with the rent by way of distresse, and yet
theles in this case the person of him that
such dede is discharged of any actiō of am
forasmuch as he graunted nat by his dede
annuite to the sayde Iohn at Style but
graūted, þ he myght distrain for such paym
ent.

Further more ye shall note, that yf a
hath a rent charge to hym and to his heyr
mpnge out of certayne landes, and dothe
chase any parcell of this lande to hym or
his heyr, in this case the hole rent cha
ge

quenched and gone, and the annuite also, the cause is thys, that a rente charge can nat be in such case appozcioned.

Otherwys it is of a rent seruyce, as for example yf one whych hath a rent seruyce, of. xx. s. by yeaere dothe purchase parcell of the lande out of whyche thys yerely rent of. xx. s. is commynge thys shal nat cryn guyth nor drowne the hole rent, but for that p- cell onely. For rent seruyce in suche case maye verpe well be appozcioned and rated accordyng to the value of the lande.

Yet there be sortes of rentes seruyces which in no wyse can be appozcioned. As where a tennaunt holdeth his lande of his lord by the seruyce to render to his lord yerely at suche a feast, an horse, a tynge of golde, a redde rose, a gylouer, or suche lyke, yf in thys case y lord doth purchase parcell of the lande thus of hym holden, thys seruyce is gone, by cause such seruyce, can nat be severed nor appozcioned. All escuage is a service that may very well be appozcioned accordyng to the asseraunce and rate of the lande.

But where any lande is holden by homage and fealtie, yf the lord purchaseth parcell of the lande, yet he shal haue hys homage and fealtie styll of hys tennaunt.

Ye shall marke also, that yf a man maketh a lease of landes to another for terme of lyfe, reseruyng to hym certayne rent yf in this case he graunteth that rente to Iohn at Styple sayng to hym selfe the reuercion of the sayde lande, thys rent is but rent secke, by cause Ioh. at Styple that hath the rent, hath nothyng in reuercion of the lande.

But yf he graunteth the reuercion of the lande

Extinguishment.

Rente service can not be appozcioned.

Of rentes.

Attur-
ment.

Rent is
incidēt to
a reuerſiō

to Johſſ at Roke for the terme of lyfe and
tenaunte atturmeth accordynglye, then by
Johſſ at Roke ſ rent as rent ſerapce by
he hath the reuerſion for terme of lyfe.

CAphewyle it is, yf a man gyueth land
tenementes in tayle, reſeruyng to him or
his heyes certayne rent, or maketh a leaſe
the lande for terme of lyfe, reſeruyng certa
rent yf he graunteth the reuerſion to any
and the tenaunt atturmeth accordynglye,
rent and ſerapce ſhall paſſe by this woꝝ
uerſion, byeaule the rent and ſerapce in
caſe be incident to the reuerſion & do poſſe
the graunt of ſ reuerſion. But yf he had
ted ſ rent onely, the reuerſiō had not paſſe

What remedy a man hath to
recouer his rent when it
is behynde.



Lhe wed you beſore
for a rent ſerapce
he byntz ye may diſt
in ſ groude eue of ch
ryght thoughe there
ſuch claule of diſtreſſ
cyored in ſ dede of
ſemet, graunt or leaſe
for a ret charge ye ma
ſtrayne or bying your wyrt of annuite
choyle & electiō, as beſore is declared. But
re ſeche yf ye were neuer ſepled of it
any parcell therof, ye be wout remedy by
ſe of ſ cōmō lawe, for ye can not diſtrayn
it, nor yet bying your wyrt of annuite but
were ones ſepled of it or of parcell therof
reſiſones behynde, the your remedy ſhall be

We muste go eyther by your selfe or by your de-
vise to the lande or tenement out of which the
rent is comynge and there demaunde the arre-
rages of the rent, whyche yf the tenaunt denye
to pay, this denial is disseisin of the rent. Also
yf the tenaunt be nat then ready to paye it, this
countenayleth a denyall whyche is a disseisin.
Whosoever yf neyther the tenaunt nor none o-
ther man be remaynyng vpon the grounde to
pay the rente, when ye demaunde the arre-
rages, this also is a denyall in the lawe, and is
in very dede a disseisin. And of these disseisi-
nes ye may have an assyse of nouell disseisin a-
gaynst the tenaunt, and shall recouer seisin of y^e
rent and the arrerages & your damages and
costes of your wyte and of your plee. And yf
after suche recouery and execution had, the rent
be agayne at another tyme denyed you, then ye
maye have redisseisin and shall recouer your
double damages, &c.

¶ It shalbe therfore wylledome for a mā whē
a rent is graunted by any personne vnto hym
to take of the tenaunt of the lande a peny or
an halfpeny in name of seisin of the rent, and
the yf at the next day of payment the rent be de-
nyed hi, he may have an assyse of nouell disseisi-
n. And ye shall note, that there be thre causes
of disseisin of rent service, that is to wyte res-
couise, repleyn, and incloser. Rescouise is when
the lord vpon the lande holden of hym distrain-
eth for his rent behynde, and the distresse be
rescued from hym, or yf the lord come vpon the
lande and wyl distrayne, & the tenaunt or any
other man for hym wyl nat suffre hym, this is
called Rescouise.

Disseisin
of rent
secke.

Assyse.

In redissei-
sin dou-
ble dama-
ges.

Thre cau-
ses of dis-
seisin of
rent ser-
uice.

Rescouis.

Of rentes.

Repleuin. ¶ Repleuin is, when the lord hath disseised and repleuin is made of the distress by

Encloser. by playnt. Encloser is where landes or tenementes be so inclosed that þe lord can nat come to the landes or tenementes for to distrayne. the chiefe cause why suche thynges so made disseisin to the lord is for asmuch as the lord is by this way disturbed of the meane and medy wherby he ought to come and have rent, that is to wete, by dystres.

Four causes of disseisin of rente charge.

And two of rente secke.

One of ther cause of disseisin

Acte of ppyment.

Executors.

¶ And there be foure causes of disseisin a rent charge, that is to wete, rescous, repleuin, encloser, and denyer. For denyer or disseisin wel a disseisin of a rent charge as it is of a

¶ Finally ye shall vnderstande, that there be two causes of disseisin of a rent secke, the denyall and encloser.

¶ And it semeth that there is yet another cause of disseisin of all the thre rentes aforesaid that is to wete this, when the lord cometh to the lande holden of him, or when he þe rent charge or a rent secke cometh to the lord to distrayne for the rent behynde, and þe lord hearpnge this, encountreth hym, and forbiddeth him the way with force and armes, and taketh him in suche softe as he dare nat come to the grounde for to distrayne for his rent behynde for feare of death or mutilacion of members: this is a disseisin bycause the lord is disturbed of his meane and lawfull comynge wherby he ought to come to his rent.

¶ Finally ye shall obserue and marke, that an acte of parlyament made in the .xxiiij. year of our souerayne lord kynge Henry the eighth is lawfull for the executors and administrators

hours of tenātes i fe ſiple, tenād i fee taylor tenā
 for tme of life, of rēt ſeruyces, rent charge,
 rent ſerkes, and of fee ſermes, for arrerages of
 ſuch rētes as were due vnto theyr teſtators i
 theyr lyues, eyther to diſtrayne for the ſame or
 at theyr election to brynge an accyon of det, ex
 cept in ſuch lordſhyps in Wales or in the mar
 ches therof, where as the tenauntes haue vſed
 ſome out of mynde to paye vnto euery lord at
 his ſpēk entreye into the lordſhip any ſumme of
 money for the redemption of all maner. duties
 and penal. ies incurred at any time before theyr
 lordes entreye.

Also by force of the ſayd acte the huſbāde
 which was ſeiſed in the right of his wyfe may
 after the death of his wyfe eyther diſtrayne or
 brynge an accyon of det for ſ arrerages of ſuch
 rentes as were due and vnpayd in her lyfe.

Likewyſe it is of him that hath a rente for
 terme of another mans lyfe, yf he for terme of
 whoſe lyfe he hath the rent dyeth, yet by veriti
 of the ſayd acte he or his executours & admyny
 ſtrators may eyther diſtrayne or brynge an ac
 cion of det for ſ arrerages due before the death
 of him for terme of whoſe lyfe he had the rent.

Howe auowyes ought to be made
 of rentes and ſeruyce, enacted

An. xxi. Henrici. viii.

Where any landes be holden of any per
 ſon by rentes, cuſtomes, or ſeruyces,
 yf the lord diſtrayne vpon the ſame
 landes for any ſuche rentes, cuſtomes, and ſer
 uices, and repleyn therof be ſued, the lord
 ſhall. maye

Diſtres.
 or acciōs
 of dete.

Of rentes.

maye auowe oꝝ his baylyfe oꝝ seruaunt
make conplacice oꝝ iustifie the takynge vpon
same landes, as within his see and fygge
alledgynge in the sayd auowye conplacice
iustification the same landes to be holden
withour transynge any person certayne
naunt of the same, and without makynge

**Seconde
deliuerance**

auowye; iustification, oꝝ conplacice vpon
person certayne. And lyke wyse vpon a
wyte sued of the seconde deliuerance. And
that make any suche auowye, iustification
conplacice; yf the same auowye, conplacice
iustification be foude for the, oꝝ yf plaintiff

Damages

non suite oꝝ other wyse barred, then they shal
couer theyr hole damages and costes.

**Plees in
auowye.**

Also the sayde plaintiffes & defendantes
haue lyke plees and lyke ayde prayers (with
disclaymer onely excepte) as they myght
had before the makynge of this acte.

Also suche persons as by the comon law
toyne to yf plaintiffe oꝝ defendante in the
wytt of Replegiare oꝝ seconde deliuerance
well wout pcesse as by pcesse, shal frehold
also in this case toyne vnto them as well
out pcesse as by pcesse, and haue lyke
and lyke auantages in al thinges (with
only except) as they myght haue by the
lawe before this acte.

In acte for the assuraunce of fermour
made. An .xxxiij. Henrici. viij.

A leases hereafter to be made of
des oꝝ other hereditamentes by
indented vnder seale for terme of
oꝝ for terme of lyfe by any persons beyng

for assurance.

fo. lii.

the age of xxi. yerres haunpge any Rate of inher-
itance eyther in fee simple oz in fee taylor in
theyr owne ryght oz in the ryght of theyr chur-
ches oz wyues, oz ioyntly wth theyr wyues shall
be good and effectual agaynst the lessours theyr
wyues heyres and successours accordyng to
the estate cōpyled in suche indenture of lease.
It is p^{ro}vided that this acte shall neyther ex-
tende to any leases to be made of any landes he-
reditamentes beyng in the handes of any fer-
mour by vertue of any olde lease onles s^h same
olde lease be expyred surrendred oz ended within
one yere after the makynge of the newe lease,
nor yet to any graunt to be made of the reuer-
sion of any landes oz hereditamentes, nor to any
lease of such landes oz hereditamentes as haue
not commonlie bene letten to ferme by s^h space
of .xx. yerres next before suche lease therof made
nor to any lease to be made without impeache-
ment of waste, nor to any lease to be made a-
bove the nomb^{er} of .xxi. yerres oz the lyues as s^h
most frō the day of makynge therof. And that
upon such lease be reserved yerely duringe the
same, due and payeable to the lessours theyr
heyres and successours to whom s^h lādes shuld
haue come after the deathe of the lessours, & to
whom the reuersion therof shall p^{er}taigne accordy-
ng to theyr estates and interestes, so muche
yerely rent oz moze, as haue ben accustomedly
yeldyng for the same, within .xx. yerres next be-
fore such leases, and s^h he to whom the reuersiō
therof shall p^{er}tayne after the deathe of suche
lessours oz theyr heyres: shall haue suche lyke
remedy and aduāntage agaynst the fermours
therof theyr executours and assignes, as the

Surren-
der of the
olde lease.

G. iiii. lessour

Of fermours.

The wife leſſour him ſelfe Mulde haue had.

¶ **W**halbe p^rovided also that if wyfe be made
 sie to the lease. to every suche lease as shalbe made by her
 behalfe of any landes beyng the inheritance
 the wyfe, and that every such lease be made
 indenture in the name of the husbände and
 wyfe, and he to seale there vnto. And the
 rent be reserved to the husbände & wyfe
 heires of the wyfe accordyng to her share
 heritaunce therin. And that the husbände
 no wyfe shal discharge graunt give or
 same rent reserved nor any parte thereof
 the durynge the coverture, without it be
 leaved by the sayde husbände and wyfe.

C Prowyded furthermoze that this acte
tende nat to grue lybertie oz power to any
sōs to take any mo fermes leases oz take
any landes oz other hereditamentes, then
myght haue done befoze the makynge of
acte, nor yet extende to grue any lyberty to
personē oz bycare of any churche oz bycare
foz to make any lease oz graunte of any
messuages landes, tenementes, tythes
tes, oz hereditamentes belongynge to
churches oz bycarages otherwyle then
myght haue done befoze the makynge hereof
Anno xxviii. Henrici. viii.

**What
graft by
a corpo-
ration is
good.**

It is futher moze enacted that the graue lease, gyfte or election of the gouernour or of any hospitall, college, deanry or other corporation with thassent of the moze partie of the same as haue voyce therunto shall be good and effectuell, any rule or statute to the contrary notwithstanding.

Of falsifyenge of recoueryes by fermours
inacted. Anno. xxi. Henrici. viii.

A fermours or lessees for tyme of yeres
may falsifye for theyr terme onely, re-
coueryes had by sayned tytles aswell
as a tenaunt of freholde. And the same, fer-
mours theyr executores and assignes shal en-
sue theyr sayd termes accordynge to theyr lea-
se agaynste suche recoueryes euen as yf none
such had be suffered. In whiche case neuerthe-
les the requerer, after such recovery had, shal
haue lyke remedy agaynst þe fermers by auow-
re, or action of det for rentes and seruyces re-
served vpon the same leasses beyng due afore
the same recoueryes, as vnder like actions for wast
done after the same recoueryes, as the lessours
myght haue had yf no suche recovery had be-
had. Furthermoze no statut staple, statut mar-
chaunt, nor execution by Elegit shalbe auoyded
by any suche feyned recovery, but lyke remedy
shal be had to auoyde and falsifie the sayde re-
coueryes, as is ordeined for þe fermour or lesse
for terme of yeres.

Knowe
or accyon
of dette.

Of tythes and howe they shalbe
recouered, inacted. An. xxxiii.

Henrici. viii.



A persons shal truly paye theyr
tythes & offerynges accordynge to
the lawfull customes & vsages of
parishes & places where suche
tythes or durres be due. And yf
they do. wylfullye wythholde anye
parcell of them: the partye whether he be ecc-

lesiastic,

Of tythes.

ecclesiasticall or laye that shalde haue them conuent suche persons before the ordinar compysary or other cōpetent minstre or of the place where such wronge shalbe done cozdyng to the ecclesiasticall lawes. And uerye suche cause of supre the same ordinar iudge hauynge the parties or theyr poutours before him, shal procede to p̄ determine therof ordynaryly or summarilye dyng to the course of the sayde lawes, & vpon shal gyue sentence accordynge.

And in case any of the parties of any concernynge that sute, do appeale from the sentence and dyffinitive iudgements of the iudge, then the same iudge forthwith vppellacyon made, shal adunge to the other the reasonable costes of his supre, and shal pell the same partie appellāt to pay p̄ compulsory processe censure of the sayde

Suertrye.]

takyng suertrye of the other partie to be suche costes shalbe adiuged to restore the to the appellāt, yf afterwarde, the p̄ cause of that surt of appeale shalbe adu agaynst him. And so euery iudge ecclesiastical shal iudge costes to the other partie vpon uerye appeale to be made in any sute or subtraction or detencion of any tythes or ryng or in any other sute to be made cōpynge the duty of suche tythes or offerynge. And yf any persons after suche sentence agaynst them shal obstinately refuse to theyr tythes or duties or such somes of so adiuged wherein they be condemned, two Justices of the peace of the same wherof one to be of the quorum, shal

**Justices
yf pearce.**

certificat or complaynte to them made in wy-
 tynge by the iudge that gaue the sentence, cause
 them to be attached and committed to the next
 Gaile, there to remaine without barle or main
 ppyse, yll they shall haue founde sufficient su-
 reties to be bounde by recognysance or other
 wyse befoze the same iustices to the kynges vse
 for the performance of the sayde iudgemente.

¶ Prouyded, that no person shalbe sued or
 otherwyse compelled to pay any tythes for any
 landes tenementes or hereditamentis whiche
 by the lawes of this realme are discharged or
 not chargeable wth paymēt of any such tythes.

¶ Also this acte shall in no wyse bynde the in-
 habitantes of Lōdon and suburbs of y^e same
 to pay theyr tythes and offernges within the
 same cytyes and suburbs otherwyse then they
 shulde haue done befoze.

¶ Furthermoze if any hauinge an inheritance
 freeholde ferme or intrest in any personage vica-
 rage pozepon pension tythes oblations or other
 ecclesiasticall propyte made or to be made tenn-
 shill or admitted to be in tēporal hādes by the
 lawes or statutes of this realme, be disseised or
 otherwyse put from the same by any other per-
 son clamyng to haue interest therein the persō
 so disseised or wrongfully put from his sayde
 right or possession his heyyes, wyfe, and other
 to whom such wronge shalbe done, maye haue
 remedy in the kynges tēporal courtes, as the
 case shall require for y^e recovery therof by wyrt-
 tes original of *De tē reddat*, ass. of nouel dis-
 session, *De iudant*, *Quod ei deforciat*, wyrttes
 of dower, or other wyrttes original to be graū-
 ted in the channecry of euery suche personage
 by charge

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Of tythes.

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And in case any of the parties of any concernynge that sute, do appeale from the tence and dyssintyre iudgements of the iudge, then the same iudge forthwith by pellacyon made, shal aduise to the other the reasonable costes of his supre, and shall pell the same partie appellāt to pay þe compulsory proccesse censure of the sayde

Suertrye.]

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 lawes or statutes of this realme, be disseised or
 otherwyse put from the same by any other per-
 son clamynge to haue interest therein the perso
 so disseised or wrongfully put from his sayde
 right or possession his heyres, wyfe, and other
 to whom such wronge shalbe done, maye haue
 remedy in the kynges tēporal courtes, as the
 case shall requyre for y^e recovery therof by wyrt-
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 seision, *De: tō danc*, *Quod ei deforciat*, wyttes
 of dower, or other wyttes original to be graū-
 ted in the channcery of euery suche personage
 by charge

Of mortuaries

vicarage, portion, pension, or other profit ecclesiasticall according to the nature of the same therof. And wrytes of couenāt and other wrytes for fines to be leuied and al other assurances be made of any such personage or profit ecclesiasticall shalbe deuyled and graunted the lyke as hath bene vsed for fines to be leuied assurance to be had of lādes or other hereditamentes, and all iugementes giuen vpon such wryttes original graūted for any the premis and al fines leuied and knowleged in any of kinges sayd courttes therof, shalbe of like force as iugement giuen and fynes leuied of lay tenementes and hereditamentes.

Of mortuaries, enacted.

An. xxi. h. viii.

No person spiritual theyr fermours bayliffes shal cal ani person before iudge spiritual for the recovery of

Mortuaries more then is her after mentio ned vpon paine to forsaite for euery tyme com in value as they shal take aboue the sūme h lympytted & ouer s. xl s. to the party greued; whiche he shal haue an action of det by wryt bill or information, wherein no wager of law essoyne nor pteccion shalbe alowed. For mortuarie shalbe taken of anye whiche at death hath in mouable goodes vnder the value of .x. marke. Also no Mortuarie shal be taken but onely where Mortuaries haue bene vsed to be payde, and there after the forme her after mencioned. For in no mo places but in that his to wryte, there where is most abundance is and there but one. For no persone shal be

Of mortuaries.**fo. lb.**

For a Mortuary of any persone beyng at hye death at the value of. x. markes aboue hys dettes payde & vnder .xxx. li. aboue iii. s. iiii. d. And of the value of. xxx. li. and vnder. li. nat aboue. vi. s. viii. d. And of the value of. li. oz aboue to any summe what so euer it be, nat aboue. x. s. Also no Mortuary shall be asked nor payde for any womā couert barō, or chyld or any pson nat kepynge house, or for any wayfarynge mā but the Mortuaries of suche wayfarynge men be answerable in that place where they had theyr moit dwellinge at the tyme of theyr death.

Nevertheless such spirituall pson may take any thyng whiche shall be disposed or bequeathed to him or to the hygh altar of y church. Also nothyng shall be taken for Mortuary in Wales nor the marches of y same, nor in Gaslys or Berwyke or the marches of the same, but onely in suche places of the same where Mortuaries haue bene accustomed to be payde and there but onely after the forme aboue specified. Prouyded that y Bishoppes of Wanger, Lādase, Saynt Dauids, and Saynt Asse, & tharchedekē of Chester may take such mortuaries of the prestes within theyr dioces and iurisdiccons, as heretofore haue bene accustomed. Prouyded also, that in such places where mortuaries haue bene accustomed to be taken of lesse value none shalbe compelled to paye anye other Mortuary or more for any Mortuary then hath bene accustomed, nor no Mortuarye there shalbe demaunded of any person exempt by this acte vpon payne afore lymitted,

Of discontinuaunce.**It is**

Of discontinuance.



Discontinuation is called a discontinuance by the lawes of Englande, whiche he that hath the possession of landes or tenementes for the present and yet nat havinge the fee simple in hym selfe nor in owne right onely, maketh an alienation of the same to another, by reason whereof, he shoulde have them after hym and whiche hath right vnto them can nat entre, but is uen to hys remedye by waye of action, in whiche the sayd landes be nat recoveried and gone frome suche person or persons haue right vnto them, but be alone discontinued for a tyme, tyll the persone whiche at the death of suche discontinuer hath right to them, do recontinue and bringe them agayne nat by entre but by lute and waier of action. As for example, if tenaunt in tail certayne landes doth enfeoffe an other in the same, in fee simple or fee tail and hath the lute, hys issue can nat entre into the landes, though he hath title and right vnto the same, but is put to hys action, whiche is called a writ of formedon in the discontinue. And if suche tenaunt in tail whiche maketh suche a feoffment, haue no issue at tyme of hys death, it is yet none lesse a discontinuance to hym whiche is remedied in the reuerfion or in the remainder, so that either the one nor the other can entre, but is uen to thei action, he in the reuerfion is called a writ of formedon in the reuerfion, and he in the remainder to hys formedone in the remainder. ¶ In like manner if a bishop doth alienate landes which be parcel of hys bishopricke, a writ

formedon
in the dis-
continue.

formedon
in the re-
uerfion or
remainder.

this is
a writ
of
discontin-
uance
suche
his su-
tal al-
a discon-
tinuance,
assent
B
alien
simple
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acted,
or suff
tenem

This is a discontinuance to his successor for as much as he can nat entre, but is dyuē to his wyrt of enire sine assensu capituli.

Entre sine assensu capituli.

¶ Semblably, yf a Deane be sole seised of lādes as in the ryght of hys Deanry and maketh suche an elynacyon, thys is a discontinuance to his successor. Also yf the mayster of an hospital alieneth any landes of hys hospital, this is a discontinuance and hys successor can not entre, but is put to his wyrt. De ingressu sine assensu confratru & sororu.

Ingressu sine assensu confratrum et sororum.

¶ But yf a pson or bycare of a churche wyll alien any of his glebe landes to another in fee simple or in fee taylor, & dyeth or resigneth hys benefice, this is no discontinuance to his successor, but he may very well entre, not wpyth stāding such alienacion made by hys pdecessor. And the hyghest wyrt that a person cā haue yf his pdecessor hath aliened his glebe lāde or lost it by defaulte or rebdicions is a iuris vnum.

Iuris vnum.

¶ And forthermore note that no tenaūt yf the lande can by hys or therys acce discontinuē the ryght of hys lord yf reuerſion onles it be by a tefement with lypury and leason or els by a reles with warraunte.

¶ And note that suche thynges as passeth by way of graunt by dede without lypury and leason can nat be discontinued as enowson, common or byllayne ingroſſe, reuerſion, rēt charge comon for bestes certene and such other lyke.

¶ Also ye shal vnderstande, that in the .xxiii. yere of this kynges most noble reigne, it is enacted, yf no fine feffment or other acc to be made or suffred by y husbande onely, of any lādes or tenementes brynge y inheritañce or fre holde of

Of discontinuance.

hys wyfe durynge the couerture betwene
shalbe any discontinuance therof or by
dotal or hurtfull to þe sayd wyfe or to he
res, or to such as shall have ryght tytle or
rest to the same by the death of suche wyfe
that the same wyfe and her heyres, and
other to whom such ryght shal apperteyn
for her decesse may then lawfully enter
suche landes & tenementes accordyng to
ryghtes and tyles therein.

Howe recoveryes by collusion agayn
nauntes for terme of lyfe is no dis
continuaunce, enacted. An. xxxii. h. viii.



Here dructe persons for
landes and hereditament
tenauntes by the curtesy
glande, or other wyse on
terme of lyfe or lyues ha
tofore suffred other pers
agreement or couyn betwene them had
cover the same agaynst them in the
courte by reason wherof, they to wh
reuerlyon or remayndye therof hath be
haue after the deathes of such tenaun
dyuen to theyr actions for the recon
and obtaynyng of the sayde landes and
mentes so recovered, and sometyme ha
clearly dysmerited of the same, it is enacte
all such recoveryes hereafter to be had
mente of the partye or by conyn, agayn
suche particular tenaunt of landes or
tamentes, wherof he is or hereafter shal
sed as tenaunt by the curtesy of Englan
naunt in taile after possibilitie of issue

Of wrongfull disseisin. fo. lviij.

or otherwise for terme of life, shall fro henceforth
as agaynst such persons to whome the reversion
or remaindre shall thus appertayne & agaynst
their heires & successours, be clerely voyde.

¶ Provided þ this acte extend nat to any per-
son that shall by good title recouer any heres-
sitametes without fraude or couyn agaynst
any such pticuler tenaunte by reason of any for-
mer ryght or title, nor yet to auoyde any reco-
uery to be had agaynst any suche pticuler te-
naunt by thassent and agrement of those in pre-
sentsion or remaindre, so þ suche assent & agre-
ment do appere of recoorde in the kynges court.

¶ Howe wrongfull disseisin is no discent in
the lawe, enacted. Anno xxxii. Henrici.

viii. Capitulo .xxxiii.

Where diverse persones haue by strength
and without title entered into landes
and tenementes and wrongfully dys-
seised & dispossessed the ryghtfull owners and
possessours therof, & so byngge sealed by dis-
seisin haue therof dyed sealed by reason of
whiche dyeng seised, the parties þ were so dis-
seised and dispossessed or such other persons as
before suche discent myght haue lawfully en-
tered into the sayd landes & tenementes be there
by clerely excluded of their entree into the same
and put to their action for their remedy & re-
covery therein it is enacted, þ the dyenge seised
hereafter of any suche disseisor hauinge no
ryght or title therein, shall nat be demed any
suche discent in þ lawe to take awaye the entree
of such persons or their heires whiche at the
tyme of the same discent had good title of entree

¶.

into

Of prescription

into the same. Except þe ſuche diſſeiſour haue had the peaceable poſſeſſion of the landes or tenementes wherof he ſhall ſo dye ſeaſed by ſpace of ſyue yeaeres next after the diſſeiſure him comytted without entre or cōtynuall ſue by ſuch as haue lawfull tye therunto,

¶ The limitation of preſcription
acted. In. xxxii. D. viii.

No perſon ſhall ſue or maintayn any
of ryght, or make any tyele or claime
to any landes tenementes, rentes, ar
ties, cōmons, penſions, poſſiſions, corrod
or other hereditamēttes of the poſſeſſion of
auncetour or predeceſſour, & declare any
ther ſeiſin or poſſeſſion of his auncetour
deceſſor but onely of the ſeiſin or poſſeſſion
his auncetour or predeceſſour, which he
ſeiſed of the ſame within xl. yeres nexte be
fore the feaſt of the ſame wyte, or nexte before
ſayde tyele or claime, ſo to be ſued,

¶ Alſo none ſhall ſue or maintayn any
or ſort of auncetour, conſeige, ayle, wyte or
tre vpon diſſeiſin done to any his auncetour
or predeceſſours, or any other action poſſible
vpon the poſſeſſion of any his auncetour
predeceſſours, for landes or hereditamēttes
further ſeiſin or poſſeſſion of the, but onely
ſeiſin or poſſeſſion whiche was ſeiſed
within ſyffty yeres next before the feaſt of
originall of þe ſame wyte. And none ſhall
maintayne action for landes or other heredita
menttes vpon his owne ſeiſin or poſſeſſion the
honor xxx. yeres next before the feaſt of the
originall of the ſame wyte.

Limitatio
of. xl. yeres.

Limitatio
of. l. yeres

Limitatio
on of. xxx.
yeres.

Item none shall make anye auowye or
confaunce for any rent, sute, or seruyce, and al-
ledge any feasin of þ same in his auowye or co-
nfaunce in possession of his aūcestours or prede-
cessours, or in his owne possession, or in the
possession of any other whose estate he shall claime
to haue aboue fyfthe yerres next befoze the
makinge of the sayde auowye or confaunce.

Moreover all forindones in reuerter, forindones
in remainder, and Scire facias vpon fines
of landes or other hereditamentes to be sued,
shalbe taken within fyfthe yerres next after the
tytle of actiō falle And yf any do sue anye of þ
sayde actiōs or wyttes for lādes or other heres-
ditamentes or make any auowye confaunce pres-
cription or claime for any rent, sute, seruyce,
or other hereditamentes, and can not proue þ
he or his aūcestours or predecessours were in
actuell possession or feason therin at any tyme
within the yerres befoze limited, if the same be
trauerfed or denyed be the partye playntiffe des-
maundant or auouant or by the partie tennant
or defendante, he and his heyres shall from hence-
forth be vrierly barred for euer of euery þ sayd
wyttes, actiōs, auowyes confaunce prescrip-
tion, tytle, & claime heraft to be sued or made
for the same landes or other the premises, for
which such action wytt auowye, confaunce, ty-
tle or claime hereafter shalbe sued or made.

Whowded, that ail persons whiche nowe
haue any of þ sayd actiōs, wyttes, auowyes
Scire facias, confaunce, prescription tytle, or
claime dependynge, or that hereafter shall seme
or hyngge any of the sayd wyttes, or actiōs,
or make any of þ sayd auowyes, confaunces,

Of prescription:

Whē this
is. 6. Shall
take effect.

prescription, tytles, or clayme at any tyme
foze the feast of s^t ascension of our lord whē
shalbe in the yere of our lord a thousand
hundred. h. forty and fyve, that alledge the
of theyr auncestours or pedercestours, or
owne possession & season, & also haue alle
lyke auantage in the same wyttes, auo
auo wytes, consauces, prescriptions, & clay
as they n^e right haue had befoze the making
this statute. Provided also, that yf any p^{er}
be now wythin the age of xxi. yeres, or co
baron, or in prison, or out of thys realme
hauringe cause to byngge any of the sayd
res or actions, or to make any auo wytes,
saunces, prescription or claymes it shalbe
full to such person, to sue or byngge any
sayd actions, or to make any of the sayd
tytes, consauces, tytles or claymes at any
wythin fyve yeres next after suche person
beyngge wythin age, shall accōplyshe the
xxi. yeres, or now be byngge couerte baron,
be sole, or now byng in prison, shalbe at
lyberie, or now byng out of thys realme
come & be wythin thys realme. And that
suche persons in theyr sayd actions auo
consauces tytles or claymes to be made
or cōmēced wythin the sayd fyve yeres, shal
lege the season of theyr auncestours or p
cestours, or of theyr owne possession, or of
possession of those whose estate they shal
clayme. And also wythin the same fyve yeres
shall haue lyke auantage in the same, as
myght haue had befoze s^t making of this
Provided also, that yf the said p^{er}sons n^e
yngge wythin age, or couert baron, in p^{er}

out of this realme, w^{ch} dye within age, or beyng
couert, or in prison or out of this realme or de-
cease within. vi. yeres next after they shal accō-
plysh the theyr full age, or shalbe at large w^{ch}in
this realme, or shal become sole, & no determi-
nation or iugement had of suche tytle, actions
or ryghtes so to them acrowed, then the nexte
heire of suche persones shal enioye lyke auan-
tage to sue demaunde, auowe, declare or make
theyr sayd tytles, claymes or prescriptions. W^{ch}
in lyke yeres nexte after the death of suche per-
sones, as the same insaunt after hys full age,
or the sayd woman couert after the death of
her husbände, or the same persone beyng ou-
e of this realme after hys repayre or comynge
inro the same, or the sayd persone imprisoned
after hys enlargement and comynge out of
prison, myght haue had within. vi. yeres then
next ensuynge by force of the p^{ro}uision laste
before rehersed.

It is p^{ro}vided also, that if any persones before
the sayde feast of the Ascension sue any of the
sayde actions or make any auowrye tytle or
clayme, and the same happen by the death of
any the parties therunto, to be abated before
iugement or determination thereof had then the
sayd persons beyng demaundantes, or auow-
antes, or makynge any suche consaunce, pre-
scription, tytle, or clayme beyng then on lyue,
and y^e nat then theyr nexte heires, maye com-
mence theyr action and make theyr auow-
rye consaunce or clayme vpon the same mater
within one yere nexte after such lute abated &
shal haue lyke auantage to sue demaunde a-
uowe declare or make theyr sayd tytle claymes

Of fynes.

of prescriptions within y^e said one yere, or
demaundautes in such wyse of sute abated
as such as byd auowe or make consanct,
clayme of prescription, myght haue enjoyed
the sayd former action of sute.

Attaynt
byd false
verdit.

Wherby furthermoze, that yf any
verdit hereafter be ggeuen in any of the
actions, sutes, auowes, prescriptions, or
of claymes the the partye greued may haue
attaynt vpon euery such verdit, & the play
in the same attaynt byd iudgemēt for hi
shall haue lyke recourse, execution and
aduantage as heretofore hath bene vsed

Of fynes.



Fynes haue theyr name, by
they make a synall ende and
termination of all sutes and
debates betwene men,
the due leuyng wherof is
inacted in the. iiii. yere of
Henry the. vii. that they muste be solemn
fore the Iustices of the cōmon place red
proclaimed the same terme & thre termes
folowynge the ingrosment, at whiche
all the ples muste cease. And such fynes
a sufficiēt barre and dyscharge agaynst
persones, saupnge women that be couer
ton yf such womē be nat pte to y^e same
or such as be wpythin age, in prision out
realme, or out of theyr right mindes. But
fynes shall nat cōclude ne barre all straws
which haue right to enyre or to haue acti
they come win. v. yeres aft suche pclam

made oꝝ in case the cause of action fallerh vnto
 the after the fyne so duely leuped yf they come
 and commence theiꝝ action and sute within .v.
 yerres next after such cause of action to them ac-
 crued. And they may sue agaynst the takers of
 the prosytes . But yf they that haue ryght
 theris be within age , in pylson couert baron ,
 out of the realme oꝝ nat in theiꝝ ryght memoꝝy
 then theiꝝ tytyle oꝝ entre shalbe sauēd vnto the
 tyl they be of full age, out of pylson, discouered
 and sole within the realme oꝝ of ryght mynde ,
 and then within fyue yerres after theiꝝ action
 oꝝ entre must be sued oꝝ made with effecte,

¶ Also by the sayd statute it shalbe a good p'le
 for all straungers to saue, that they sh' were par-
 ties to the fine noꝝ none other to theiꝝ vse, had
 any thyng in the tenementes oꝝ landes at the
 tyme of the leupeng of che fyne.

¶ Furthermoꝝe in p. xxxii yerres of this kyng
 for thaduoydinge of certayne doubtes and am-
 biguities, it was enacted, that all fines as well
 heretofore leuped, as hereafter to be leuped ac-
 cordinge to the sayd statute of Henry the . vii.,
 by any person of the full age of .xvi. yerres, of
 any landes oꝝ other hereditamentes beinge, be-
 fore the fine leuped, in any wyle tyled vnto hi
 oꝝ to any of his auncellors in possession reuer-
 sion remaindꝝe oꝝ in vse, shalbe immediatly af-
 ter the same fyne leuped ingrossed & proclama-
 tions made a sufficient barre and discharge for
 zuer aswell agaynst him and his heyyes clay-
 mynge the same onelye by force of any such tye
 as agaynst all other to theiꝝ vse, so that
 the same fines be nat leuped by any woman af-
 ter the deeth of her husbande, contrary to p. sta-

Of fines.

Anno. xi.
H. vii.

An. xiii.
Hen. vii.

lute made the. xi. yere. of Henry the Seventh
landes and tenementes of thier heritance
chafe of her hufbāde oꝛ of any of his adhe
gyuen to her in dower, foꝛ terme of lyfe
tyle in vfe oꝛ in poffeffion. Excepted al
fynes leuyed oꝛ to be leuyed of any fuch la
oꝛ hereditamentes as ſ owners therof by
ſpecial acte of parlyament made ſyth the
fourth yere of Henry the. vii. be reſtrayned
makynge any alienations by ſcontinuan
other alterations of the ſame. Alſo of Cou
des as be now in lute and variance in any
kyngeſ courtes, oꝛ wherof any euident
nowe in demaūde in the chancery, oꝛ whiche
all redy recovered. Excepted alſo fines
oꝛ to be leuyed by any perſon, of landes oꝛ po
mentes graunted to him oꝛ to his auncelſ
in tyle eyther by the kyngeſ letters paten
oꝛ by vertue of any acte of plyament, whiche
reuerſion is in the kynge. And confirmed
xxiii. yere of Henry the. vii.

Of teſtamentes oꝛ laſt wylls.

Diſſion.

Wrytten
teſtament

Teſt a
mēt nūc
patue.

TEſtamentum in latyn is as much
as mentis teſtatio, that is a declar
oꝛ witneſſynge of a mans mynde.
And there be two ſortes of teſtamētētes. The
is called teſtamentum ſcripſum, that is a
ten teſtamente, oꝛ a laſte wyll by wrytten
and the other is called teſtamentum nūc
rium a teſtament nūcupatiue, which is
a man dothe expreſſe by mouth the laſte
and teſtamēt without wrytynge, by calling
foꝛ him certayne of his neyghbours in wi
prie

presence he dothe signifye by wordes hys laste mynde and wyll. And this for most part mē vse to do when for fere of sodennes of dethe, they dare nat abyde the wytyng of theyr wyll. And this wyll (onlesse it be in certayne cases) is as stronge and as sure, as is a testament or laste wyll put in wytyng and sealed with the seale of the testatour.

Also though a testament by wytyng be not sealed wth the seale of the testatour, yet is the testament good and effectuell in the lawe.

And ye shall also marke, that where a man maketh ones his testament and wyll and after wards maketh another wyll by wordes yf hys last wyll be pured before y ordinary & by hym put in wytyng and insealed wth hys seale, such last wyll shall auoyde y fyrst wyll, onles it be in special cases, and so alway the latter wyll and testament shall auoyde the former.

Fynally by an acte made the .xxi. yere of Hyng Henry the eyght, it was ordeyned that where part of the executours named in the testament wherin any landes or tenementes be wylled to be solde by them, refuserly to take vpon the y administracion, and the residue do take the charge and administracion vpon them, in this case all bargaynes and sales in the sayde lades made oney by those executors y toke the administracion of the testamente vpon them, shalbe as good and effectuell, as yf al the residue of the executors so refuserly had iopned in the makynge of the bargayne and sale.

Executors.

The difference betwene executors and administratours.

h. v.

Executors

The difference betwene.



Executours is when a man
keth hys testament & last wyl
therin nameth the person
shall execute his testament
he that is so named is his
tour, and such an executor

Wites in
the hands
des of exe
cutours.

have an action agaynst every dettoure of
statour. And yf þe executours haue affete
to save sufficiēt in theyr hādes then shall
one to whō þe testatour was in det have
agaynst the executour yf he haue an o
or especialty to shewe. But in every case
the testatour might wage his lawe, then
tion lyeth agaynst the executour.

Admini-
stratour.

An Administratour is he, to whō the o
compteth the administration & bestow
the goodes of a ded man for defaulte of
cutour. And actions shall lye agaynst he
for him as for an executour, & he shall be
ged to the value of þe goodes of the ded
further, if it be nat by hys false plee, or
he hath wasted the goodes of the ded.
the administratours dye his executours
administratours, but it behoueth þe ordi
comyt a newe administration. How
stranger I meane him that is neyther
tour named in the testament and last wyl
yet administratour appoynted by the o
wyl take the goodes of the ded and
of his owne hed and mynde wythout
auctorite, this person shall be charged
as an executour, and nat as a ministrat
an action whiche is brought agaynst
creditour. But yf the ordinary make

Execu-
tour of
his owne
wylonge.

ad colligenda bona de rectori, he that hath such a letter is nat administratour, but the action lyeth in thys case agaynst the ordinary, as wel as yf he toke the goodes by hys owne hāde, or by the hande of any other his scrvaunt by any other commaundement.

CAn acte for probate of testaments made. An. xxi. h. viii.



Whynge shall be taken by any haupnge auctoritie to take probacion insinuation or approbacion of any testament where the goodes of the testatour do nat amount aboue the value of. l. s.

except to the scribe for wytyng therof. vi. d. And for the commission of ministracion of the goodes of any byenge intestate nat beynge lyeke wylle aboue l. s. vi. d. Also none haupnge power to take probate of testaments shall refuse to approue testaments beynge lawfully offered vnto them in wytyng wylh waxe thereto assired redy to be sealed, so that they be lawfully pved befoze the same ordinary to be true. And when the goodes of the testatour do amount aboue an. l. s. and not excede. xl. li. none shall take for the probacion registryng, sealyng and wytyng of any suche testament aboue. lii. s. vi. d. wherof to be to thē that haue auctoritie to take the probacion. ii. s. vi. d. and the other. xii. d. to the scribe for registryng.

And where the goodes amount aboue. xl. li. then onely. v. s. to be takē, wherof to be to thē that haue auctoritie to take the probacion. ii. s. and. vi. d. and thother. ii. s. vi. d. to the scribe for

Of testaments.

for the registryng, or els yf he refuse that
 bi. d. the he to haue for euery .x. lines con
 concernynge in length .x. ynches. i. d.

¶ And they that haue auctorite as is true
 sayde shall approue insinuate seale and wh
 ther the tenementes and delpuer them se
 the seale of theyr offyce to the executours h
 same aboue sayd and þ with convenient
 without any frustratoiy delay.

¶ And yf any person dye intestate or th
 tours refuse to proue the testament, the
 hauing auctorite as is aboue sayde, th
 the administration of þ goodes to the
 of the persone deceased or to the next of
 or to both after theyr discrecion, takyn
 tye of the for true administration of þ
 and dettes, which they shall be so aucto
 minister.

Dueres.

And where one or dyuers
 the administration as next of kynne whic
 gall in degree of kynred, or where any on
 desireth þ administration as next of kyn
 in dede diuers persones be in equaltye o
 red, then in any suche case the ordinar
 at libertie to take one or mo makynge
 And where diuers requyre the administr
 or where but one or mo of them & not all
 in lyke degree, make request than the ord
 shall admyt the wydome and him or them
 makynge request or any of them, takyn
 thynge for he same where the person de
 dyed not worth, C. s. And yf he dyed wor
 s. and not aboue .xl. li. than .ii. s. vi. d. on
 be taken. And the executour or admini
 callynge to him the dett ors two at the la
 such persons to whom any legacye was

and yf they refuse then. ii. next of kyne to þ þer
 some deceased and in theyr defautes. if other ho
 nest persons shall by theyr discretions make a
 true inventory indented of all the goodes, Jewels
 and whych persones su crying before the byshop or epe of
 the diocess officers to be true, Mal deliuer þ one part goodes.
 thereof unto t. e. & þ other kepe with him selfe.
 And none hauinge auctorite to take probate
 of testaments vpon payne contayned in thys
 statute shall refuse to take any suche inventoz
 the presented or tending to them.

It is provided, yf any persone shall dispose of
 his landes by his testament any landes or heredita
 ments to be solde, that the mony or profits
 of the same be accompted for goodes or catels
 And they hauinge the auctorite aboue sayde
 vpon the deliuer of the scale and signe of the
 testatour Mal cause the same to be defaced and
 uncomen Mal redeliued it to the executor w
 out any claime, and yf any requyre a copy of
 the testament and inventory, then they hauinge
 auctorite or theyr ministers shall without de
 laye deliuer them a copy takynge therfore and
 for the registryng of the same as before of els
 for every ch. l. s. i. d.

It is provided, that where they hauinge aucto
 rite as is aboue sayde have vsed to take lesse
 for the probate of testamētes or other chynges
 concernynge the same then is here specified,
 they shall take as they dyd before thys acte.

Howe yf any that haue auctorite to take
 probate of testamētes or theyr ministers do at
 tempt agaynst thys acte they Mal forsaite for
 every tyme to the party greued as much mony
 as they Mal take contrary to this act. And ouer
 that

Of testaments.

that x. li the one halfe to the kynge the oth
the party greued, that wyl sue by action of
hyl information or otherwyle in any of
ges courtes, wherin no effoyne protecti
wager of law shalbe allowed. And cherye
shalbe charged for hym selfe & for none o
¶ Doubtyd, that euery one haupnge a
ertie aboue sayd, may cal befoze the cur
son named ex. curour, to the inēt to pro
refuse the testament and to bynge in
ries and to do euery other thyng conc
the same, as they might befoze this act
neither they nor theyr ministers shall
boue the fees limited by this acte.

¶ How landes and tenementes may
testamēt or otherwyle disposed
inacted. An. xxii. §. viii.

Every person haupnge landes of
reditamentes holden in socage, of
nature, and nat haupnge any la
hereditamentes holden of the kynge by
tes seruitces, or socage tenure in chiefe,
nature of socage tenure i chiefe, nor by
other plone by knyghtes seruyce: may
dispose, and deuyse, aswel by testament
tyng, as otherwyle by any acte lawfu
cuted in his lyfe, all his sayde landes o
tamentes or any of them.

¶ And euery person haupnge landes o
hereditamentes holden of the kynge
or of the nature of socage tenure in chiefe
haupnge also any other landes or heredi
tes holden of any other persone in socage

the nature of socage tenure, and nat haupnge
 any hereditamētes holden of þ kyng or of any
 other by knyghtes seruyce may from the sayde
 tyme gyue and deuyse aswell by testamente in
 wytyng, as otherwys by any acte lawfully ex-
 ecuted in his lyfe, all and every of them at hys
 pleasure. Sauynge to the kyng all hys ryght
 of primer seascn and relieves, and also al other
 ryghtes and duties for tenures in socage or of
 the nature of socage tenure in chiefe, as hertofore
 hath bene accustomed, the same to be take
 and sued on: of the kynges handes by þ yson
 to whom any such landes shalbe disposed or de-
 uysed in lyke maner as hath bene vsed by any
 heretofore or heretofore befoze the makynge of this sta-
 tute. And sauynge & reseruyng also fines for
 alienations of suche landes & hereditamētes
 holden of the kyng in socage or of the nature of
 socage tenure in chiefe, wherof shalbe any al-
 teracion of freholde or inheritaunce made by
 wyl or otherwys as is aforesayde.

Item all persons haupnge landes or other
 hereditamētes of estate of inheritance holden
 of the kyng in chiefe by knyghtes seruyce or of
 the nature of knyghtes seruyce in chiefe maye
 gyue wyl or assigne two parties of the same in
 thre parties to be deuysed or els as muche ther-
 of as shal amount to the perly value of two par-
 ties of the same in thre parties to be deuysed in
 certayntye and by special diuisions as it may be
 knowen i seueraltie, for þ auāsemēt of his wyfe
 or of his childre, & paymēt of his deit, or
 otherwys at his pleasure. Sauynge to the kyng
 aswell the wardeshipp and primer seascn of as
 muche as shal amount to the clere perly value of
 the

Primer
 seascn
 relieves.

Of testaments.

the thyrde part therof without diminution
wre fraude coucin charge oz abridgment
of, as also all fines for alienations of al
landes holden of him by knyghtes ser-
chiese wherof shall be any alteration
holde oz of heritaunce made by wyl oz oth-

¶ And every person haupnge landes
mentes of estate of inheritaunce holden
kyng in chiefe by knyghtes seruyce, and
landes holden of him oz of any other by
tes seruyce oz otherwyse maye gyue oz
by his testament oz otherwyse as is aforsaid
two partes therof in thye partes to be
or els as much therof as shall extend to
baluc of two partes oz be deuised in cer-
saupnge to the kyng as well the waite
and primer season of as much, as shall
to the perely value of the thyrde parte, &
diminution &c. As also all fynes for
tions as is about sayde.

**Fines for
alienati-
ons.**

¶ Item every person holdyng landes
nemes only of any other than of the
knyghtes seruyce and other lades and
tes in socage oz of the nature of socage
may gyue dispose oz assure by testament
therwyse two partes therof holden by
seruyce oz as much as shall amount to the
perely value of two partes. And also al
and tenementes holden by socage oz of
ture of socage tenure at his pleasure, &
to the lord of the landes and tenement
den by knyghtes seruyce for his ward
much therof as shall amount to the perely
luc of the thyrde part without diminution
¶ And every pson holdyng ouely of

by knyghtes seruyce but nat in chiefe, or holdynge of the kyng by knyghts seruyce, and nat in chiefe, and also other hereditamentes of others by knyghtes seruyce, and holdynge also others hereditamentes of any other persone in socage or of the nature of socage tenure, may gyue and assure by his laste wyll or other wyse two partes of þis holde of þis kyng by knyghtes seruyce and two partes of that is holden of any other pson by knyghtes seruyce, or as much of epyther of them as shall amount to the full perely value of two partes and also all his landes and tenementes so holden in socage or of the tenure of socage tenure, Hauynge as well to the kyng the wardeshipp of as much as shall extende to the clere perely value of þis thyrde part of the same so holden of him by knyghtes seruyce without diminution. &c. As also to the lordes of whome any of the sayde landes bene holden by knyghtes seruyce for wardeshipp as much of þis same as shall amount to þis clere perely value of þis thyrde part in maner aboue declared And yf that thyrde part which in any of the cases aboue sayd shall come to the kyng do nat amount to the clere perely value of the full .iii. part of al the sayd hereditamentes wherof the kyng shall be intyled to haue þis custody or pryncer season: than the kyng maye take into his handes as much of thother two parties of the sayde hereditamentes as with that of the same hereditamentes remaynyng in his handes shall make vp the clere perely value of þis thyrde part therof so to be had to him in tyme of wardeshipp and pryncer season. And lyke benefyte to be gyuen to euery lord of whome any suche

Of testaments.

hereditament shall be holden by knyghtes
wyte concernynge only his thyrde part for
of wardeshipp.

Also al p'sons that sue theyr lyberties for
cessions reuerfions or remainders, & also
reliefes and herieties lyke as they shulde
done befoze þe makynge therof. And fynes
lypenaciōs shalbe payde in þe chancery w'p
tes of entre in the post to be obtayned the
comon recoveries to be suffered of any la
holden of the kyng in chiefe in lyke man
is b'nd vpon alpenaciōs of landes so h'ld
chiefe by fyne or seoffment.

And wher þe in such cases where fyn
alpenaciōs shalbe payde in þe chancery for
tes of entre in the post as is aforesayde m
ther fyne shalbe payde there for any such

And wher .ii. or moze persons holde
kyng by knyghtes serapce iointlye to ch
to the heires of one of them, & he that hat
inheritance therof dyeth, his heire being
in age, the kyng shall haue the warde and
cragge of the body of suche heire the lyke of
freholder or freholders of the landes so h'ld
by knyghtes service notwithstandinge.

And wher to all womē such ryght & t'p
dower as they owe to haue of any landes
tenementes to be assigned vnto the out of þe
partes of the sayd l'ades or tenementes
from the thyrde part as is aboue sayde and
otherwys. And saurage also to the kyng
reuerfions of all such tenementes in form
and dower immediatly after the deith of
tenauntes, yf they shall happen to dye, dur
the none age of the kynges wardes.

¶ Of mariages, inacted. An. 32. H. 8.

It is inacted, that fro the fyrst day of July in the yere of oure Lorde a thousande true hundredth and forty, all mariages wythin this churche of Englande contracted betwene lawfull psons, as by this acte we declare al persons to be lawfull & be nat prohibited by Goddes lawe to mary, suche mariages beinge contracted & solēpnysed in the face of the churche & cōsummate wyth bodely knowlege or fraie of chyldre or chyldre beynge had therein betwene þ parties so married shalbe demed & taken to be lawfull, good & in dissoluble, notwithstandinge any precontracte of matrimonye not consummate wyth bodely knowlege eyther of the persons so married or both shal haue made w any other befoze the tyme of contractynge þ marriage which is solēpnysed and consummate or wher of such sute is ensued or may ensue as afoze: and notwithstandinge any dyspensacyon prescripcion, lawe or other thyng graunted or conformed by acte or otherwyle. And that no reseruacion or phibicion. Goddes lawe excepte shal trouble impeche any marriage withoute leuytical degrees And that no person shal after the sayd fyrste day of July afozsayd, be admytted to any of the spirituall courtes wythin this the kynges realme, or any his other lādes and dominions, to any procelle, plee or allegacion cōtrarye to this acte.

¶ Finis.

J. ii. Here

Tabula.

Here it muste be remembred that
 nombze in this Table folowynge, doth expresse
 thewe the lease where you shall fynde your
 and thys letter A maketh mencyon of the fyrste
 page of syde and this letter B. the
 seconde page of syde.

A.

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 Accompt. 35.
 Acquytall. fo. 38. a.
 Administratour fo. 61. a
 Ages of man and woman, fo. 35. a.
 Ayde prayer. fo. 27. a.
 Annuite. fo. 48. a
 Asses in the handes of ex- cutours fo. 41. b
 Assise. fo. 22. 31. b. 50. a.
 Artur nemēt fo. 31. a. 49. b
 Duowye fo. 25. b. liii. 58. a.

B.

Barre fo. 58. 46. a.
 Base tenure. fo. 6. a.
 Basterde fo. 12. a. 44. b.
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C.

Castel warde fo. 36. b.
 Chatell fo. 3.
 Chattellies real and personal fo. 6. a.
 Cope of court roll fo. 4. b.
 Coznage fo. 37. a.
 Condicions. fo. 27. b.

Cōdiciōs in dede fo.
 Cōdiciōs in lawe fo.
 Cōdiciōs agaynst fo.
 Cōdiciōs repugnant fo.
 Cōdiciōs impossib fo.
 Cōdiciōs wherof el gers shall take auaunt fo.
 Customes fo.

D.

Damage in dower fo.
 Damages. fo. 3.
 Double damages. fo.
 Det fo. 4. 30. b. 51.
 Det agaynst the ordina fo.
 Deurse by custome of broughe. fo.
 Deurse fo. 11. b.
 Diem clausit extremum fo.
 Dyscent fo. 12.
 Disclaymer fo.
 Dispgements fo.
 Dissersin. fo.

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Tenant in dower fo. 6. 8. b	frecholds	fo. 3. a
Dower by custome fo. 43. b		
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Electione custodie fo. 26. b	folio	52. b
Encloser fo. 50. b		
Eschete fo. 12. b	H	
Escuage fo. 33. b	Hotche potte	fo. 17. b
Escuage certain fo. 34. a	Homage	fo. 32. b
Escuage vncerten fo. 34. b	Homage auncestrel	fo. 37. b
Exopell fo. 48. b		
Executoars fo. 50. b. 61. a	I	
Executoars of theyr owne	Infrāchementes	fo. 45. a
foronge fo. 61. b	Ingressa sine assensu capi.	
Exynguishment fo. 49. a	folio	56. a
	Ingressu sine assensu cōfras	
	trū et cōsozorum	fo. 56. a
	Inheritaunce	fo. 3. a
	Inuētoz of goodes	fo. 63. a
	Joyntenautes	fo. 18. 22. a
	Joyntenautes of personell	
	and real goodes	fo. 19. a
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	Juris vtrum	fo. 56. a
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Tenaunt after possib
 yllue extyncte fo.
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¶ Finis Tabule.

W. S.

Impꝛynted at

London by Henry Smythe

Dwellynge wythout Temple

barre in ſaynt Clemen-

tis parvyſhe

1543.

